FEDERAL REGISTER

VOLUME 24 NUMBER 27

Washington, Saturday, February 7, 1959

Title 3—THE PRESIDENT

Proclamation 3275

NATIONAL CHILDREN'S DENTAL HEALTH WEEK, 1959

By the President of the United States of America

A Proclamation

WHEREAS the dental health of our children is a basic part of their general well-being; and

WHEREAS dental diseases are among the most widespread of the ailments of childhood, and dental neglect can cause suffering and disability in later years; and

WHEREAS our dental profession is observing in 1959 the one-hundredth anniversary of its organization and is reemphasizing the importance of preventing dental disease; and

WHEREAS a joint resolution of the Congress, approved on August 28, 1958 (72 Stat. 986), authorized the President to issue a proclamation setting aside the period from February 8 to 14, 1959, as National Children's Dental Health Week:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim the week beginning February 8 and ending February 14, 1959, as National Children's Dental Health Week; and I request the appropriate agencies of the Federal Government to participate fully in the observance of that week. I also invite State and local governments and organizations interested in child welfare to unite during that week in such activities as will call to the attention of the people of the United States the necessity of a continuous program for the protection of the dental health of the Nation's children.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourth day of February in the year of our Lord nineteen hundred and [SEAL] fifty-nine, and of the Independence of the United States of America the one hundred and eighty-third.

DWIGHT D. EISENHOWER

By the President:

DOUGLAS DILLON,
Acting Secretary of State.

[F.R. Doc. 59-1197; Filed, Feb. 5, 1959; 4:39 p.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

In Federal Register Document 59-902, filed February 2, 1959, paragraph (c) (9) of § 6.302 should have read as follows:

§ 6.302 Department of State.

* * * * *

(c) *Office of the Assistant Secretary for Congressional Relations.*

* * * * *

(9) One Deputy Assistant Secretary (Mutual Security Affairs).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION.

[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-1146; Filed, Feb. 6, 1959; 8:50 a.m.]

[Dept. Reg. 108.387]

Chapter III—Foreign and Territorial Compensation

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

Designation of Differential Posts

In Departmental Regulation 108.386 appearing in 24 F.R. 295, dated January

(Continued on p. 939)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

CODIFICATION GUIDE—Con.

14, 1959, the reference reading "Section 325.11" in the introductory paragraph is corrected to read "Section 325.15".

Section 325.15 *Designation of differential posts,* is amended as follows, effective as of the beginning of the first pay period following February 7, 1959:

1. Paragraph (c) is amended by the deletion of the following:

Ceylon, all posts.

2. Paragraph (a) is amended by the addition of the following:

Agalawatta, Ceylon.

3. Paragraph (c) is amended by the addition of the following:

Ceylon, all posts except Agalawatta.

4. Paragraph (d) is amended by the addition of the following:

St. Nazaire, France.
Tegucigalpa, Honduras.

(Sec. 102, Part I, E.O. 10000, 13 F.R. 5453, 3 CFR, 1948 Supp.)

For the Secretary of State.

W. K. SCOTT,
Assistant Secretary.

JANUARY 26, 1959.

[F.R. Doc. 59-1127; Filed, Feb. 6, 1959; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 156]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 914.456 Navel Orange Regulation 156.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 5, 1959.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a.m., P.s.t., February 8, 1959, and ending at 12:01 a.m., P.s.t., February 15, 1959, are hereby fixed as follows:

(i) District 1: 646,800 cartons;
(ii) District 2: 392,700 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 853, as amended; 7 U.S.C. 608c)

Dated: February 6, 1959.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-1211; Filed, Feb. 6, 1959; 11:51 a.m.]

[Lemon Reg. 777]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.884 Lemon Regulation 777.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F.R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based become available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to

effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 4, 1959.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a.m., P.s.t., February 8, 1959, and ending at 12:01 a.m., P.s.t., February 15, 1959, are hereby fixed as follows:

(i) District 1: 27,900 cartons;

(ii) District 2: 134,850 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 608c)

Dated: February 5, 1959.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-1198; Filed, Feb. 6, 1959; 9:24 a.m.]

[Grapefruit Reg. 124]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF., AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

§ 955.385 **Grapefruit Regulation 124.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955; 23 F.R. 6275; 8741), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of White Water, California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than February 8, 1959. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 13, 1958, and will so continue until February 8, 1959; the recommendation and supporting information for continued regulation subsequent to February 8, 1959, were promptly submitted to the Department after an open meeting of the Administrative Committee on January 29, 1959; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committe and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) During the period beginning at 12:01 a.m., P.s.t., February 8, 1959, and ending at 12:01 a.m., P.s.t., March 22, 1959, no handler shall handle:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of White Water, California, unless such grapefruit grade at least U.S. No. 2; or

(ii) From the State of California or the State of Arizona to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which measure less than $3\frac{9}{16}$ inches in diameter, except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum size shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925 to 51.955 of this title: *Provided,* That, in determining the percentage of grapefruit in any lot which are smaller than $3\frac{9}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of size $3\frac{13}{16}$ inches in diameter and smaller.

(2) As used in this section, "handler," "variety," "grapefruit," and "handle" shall have the same meaning as when used in said amended marketing agreement and order; the term "U.S. No. 2" shall have the same meaning as when used in the aforesaid revised United States Standards for Grapefruit; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to blossom end of the fruit.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 608c)

Dated: February 4, 1959.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-1147; Filed, Feb. 6, 1959; 8:50 a.m.]

PART 970—IRISH POTATOES GROWN IN MAINE

Approval of Expenses and Rate of Assessment

Section 970.206 *Expenses and rate of assessment,* paragraph (b), published in the FEDERAL REGISTER January 1, 1959 (24 F.R. 4), is hereby corrected to read as follows:

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 122 and this part, shall be $1.25 per railroad car, $1.25 per truckload of 36,000 pounds or more, 80 cents per truckload of not less than 25,000 pounds, up to, but not including 36,000 pounds, and 50 cents per truckload of less than 25,000 pounds, or the respective equivalent quantities, of potatoes handled by him as the first handler thereof during said fiscal period.

Dated: February 3, 1959.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division.

[F.R. Doc. 59-1128; Filed, Feb. 6, 1959; 8:48 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), AND NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS): PROHIBITED AND RESTRICTED IMPORTATIONS

Nonexistence of Rinderpest and Foot-and-Mouth Disease in Sweden

On December 25, 1958, there was published in the FEDERAL REGISTER (23 F.R. 10377) a notice of a proposed determination of the nonexistence of rinderpest and foot-and-mouth disease in Sweden, and of a proposed amendment of the regulations relating to prohibitions and restrictions on the importation of certain animals and animal products on account of such diseases. In connection with

this notice no adverse comments were received, and pursuant to the provisions of section 306 of the Tariff Act of 1930, as amended (19 U.S.C. 1306; Pub. Law 85-867), and section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), it has been determined, and the Secretary of the Treasury has been notified, that rinderpest and foot-and-mouth disease do not now exist in Sweden, and the regulations relating to prohibitions and restrictions upon importations of certain animals and products because of rinderpest, foot-and-mouth disease, fowl pest (fowl plague), and Newcastle disease (avian pneumoencephalitis), are hereby amended as follows:

§ 94.1 [Amendment]

1. In § 94.1(a)(4) in the exception, delete the word "and" before the words "the Republic of Ireland" and add "and Sweden" following the words "the Republic of Ireland".

2. Amend § 94.1(b) to read:

(b) The importation from any infected country, designated in paragraph (a) of this section, into the United States of cattle, sheep, or other ruminants, or swine, or fresh, chilled, or frozen meat of such animals (including the entry into any port of the United States of any vessel or other means of conveyance having on board as stores or otherwise such animals or meats from any such country) is prohibited, except as provided in Part 92 of this chapter for wild ruminants and wild swine.

3. Amend § 94.2 to read:

§ 94.2 Fresh, chilled, or frozen products (other than meat) of certain ruminants and swine.

The importation of fresh, chilled or frozen products (other than meat) derived from ruminants or swine, originating in any country designated in § 94.1, is prohibited, except as provided in § 94.3 and in Parts 95 and 96 of this chapter.

This removes the present prohibitions under section 306 of the Tariff Act upon the importation from Sweden into the United States of the animals and meats specified in paragraph (b) of § 94.1 and renders the commodities specified in §§ 94.2 through 94.5 of said Part 94, as amended, and originating in Sweden, no longer subject to the provisions of that part. It also conforms the regulations to the recent amendment of the Tariff Act of 1930.

The foregoing amendment in part relieves restrictions and may be made effective less than 30 days after publication in the FEDERAL REGISTER, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003). In other respects it is necessary to carry out the purposes of section 306 of the Tariff Act of 1930, as amended, and other cited authority and should be made effective as soon as possible in the public interest, and good cause is found under said section 4 for making it effective less than 30 days after such publication.

The foregoing amendment shall become effective upon issuance.

(Sec. 306, 46 Stat. 689, as amended, sec. 2, 32 Stat. 792, as amended; 19 U.S.C. 1306, 21 U.S.C. 111)

Done at Washington, D.C., this 4th day of February 1959.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F.R. Doc. 59-1149; Filed, Feb. 6, 1959; 8:51 a.m.]

Title 14—CIVIL AVIATION

Chapter II—Federal Aviation Agency

[Amdt. 3]

PART 600—DESIGNATION OF CIVIL AIRWAYS

Alterations

Due to the increased activities at the Marine Corps Auxiliary Air Station (MCAAS), Beaufort, South Carolina, located directly below two heavily travelled airways, and because of the mission and type of aircraft being utilized at the station, it is now apparent that the intermixing of military and civil air traffic in the Beaufort-Savannah-Charleston area presents a hazardous situation requiring immediate action. At the present time, radar air traffic control facilities are not available in the area to provide adequate separation of this traffic. It has been decided, therefore, as a temporary measure, to designate a restricted area (Beaufort R-563) to provide a means for the approach and departure of jet military aircraft to and from the Beaufort MCAAS without conflict with en route civil traffic. Concurrently, a direct offshore airway from Jacksonville, Florida, to Charleston, South Carolina, is being established with a floor of 17,000 feet, MSL, and a ceiling of 23,000 feet, MSL, in order to provide usable IFR altitudes from 18,000 feet, MSL, through 22,000 feet, MSL, for en route civil traffic. At the same time it is necessary to eliminate temporarily the direct airway (VOR airway No. 3) between Savannah and Charleston, which presently overheads the Beaufort MCAAS, and reroute it around the Beaufort area to the St. George Intersection and thence to Florence, South Carolina. Other necessary action, such as rerouting Amber airway No. 7 around the Beaufort area, the elimination of the Beaufort restricted area R-499 located northeast of the Beaufort MCAAS, and the extension of control areas is also being taken.

This action is based in part on proposals submitted to the Air Coordinating Committee, which have been thoroughly considered and coordinated with the civil operators involved, the Army, the Navy, and the Air Force. In addition, a Civil/Military team visited the area where it made a detailed on-the-spot study of the entire problem and submitted recommendations, to which consideration has been given. Since this action is necessary for the immediate safety of air traffic, compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act is impracticable and would be contrary to the public interest.

Accordingly, Part 600 is amended as follows:

§ 600.107 [Amendment]

1. Section 600.107 *Amber civil airway No. 7 (Miami, Fla., to the United States-Candian Border)* is amended by changing the portion between the "Savannah, Ga., radio range station;" and the "Florence, S.C., radio range station;" to read: "Savannah, Ga., RR; the INT of a line bearing 021° from the Savannah RR with a line bearing 260° from the Charleston RR; Charleston, S.C., RR; the INT of a line bearing 035° from the Charleston RR with a line bearing 178° from the Florence RR; Florence, S.C., RR;".

§ 600.6001 [Amendment]

2. Section 600.6001 is amended by changing the caption to read: "*VOR civil airway No. 1 (Jacksonville, Fla., to New York, N.Y.),*" by changing all before "Wilmington, N.C. VOR;" to read: "From the Jacksonville, Fla., VOR via the Charleston, S.C., VOR; Myrtle Beach, S.C., VOR; Wilmington, N.C., VOR;" and by adding a last sentence to read: "The portions of this airway which lie below 17,000 feet mean sea level and above 23,000 feet mean sea level between the Jacksonville, Fla., VOR and the Charleston, S.C., VOR are excluded."

§ 600.6003 [Amendment]

3. Section 600.6003 *VOR civil airway No. 3 (Key West, Fla., to Presque Isle, Maine)* is amended by changing the portion which reads: "Savannah, Ga., omnirange station, including an east alternate from the Jacksonville omnirange station to the Savannah omnirange station via the intersection of the Jacksonville omnirange 026° True and the Savannah omnirange 180° True radials; Charleston, S.C., omnirange station, including a west alternate; Florence, S.C., omnirange station, including an east alternate; intersection of the Florence omnirange 008° and the Raleigh omnirange 220° radials;" to read: "Savannah, Ga., VOR, including an east alternate from the Jacksonville VOR to the Savannah VOR via the INT of the Jacksonville VOR 026° and the Savannah VOR 180° radials; INT of the Savannah VOR 022° and the Florence VOR 218° radials; Florence, S.C., VOR; INT of the Florence VOR 008° and the Raleigh VOR 220° radials;".

§ 600.6018 [Amendment]

4. Section 600.6018 *VOR civil airway No. 18 (Dallas, Tex., to Charleston, S.C.)* is amended by changing the portion which reads: "to the Charleston, S.C., VOR." to read: "to the Charleston, S.C., VOR, including a south alternate via the INT of the Allendale VOR 115° and the Charleston VOR 261° radials."

§ 600.6053 [Amendment]

5. Section 600.6053 *VOR civil airway No. 53 (Charleston, S.C., to Chicago, Ill.)* is amended by changing all before "Spartanburg, S.C., omnirange station;" to read: "From the Charleston, S.C., VOR via the INT of the Charleston VOR 299°

and the Columbia VOR 153° radials; Columbia, S.C., VOR; Spartanburg, S.C., VOR;".

§ 600.6157 [Amendment]

6. Section 600.6157 *VOR civil airway No. 157 (Key West, Fla., to Richmond, Va.)* is amended by changing the portion which reads: "From the Alma, Ga., omnirange station via the Allendale, S.C. omnirange station; INT of the Allendale omnirange 060° and the Florence omnirange 216° radials; to the Florence, S.C., omnirange station," to read: "From the Alma, Ga., VOR via the Allendale, S.C., VOR; INT of the Allendale VOR 074° and the Florence VOR 218° radials; to the Florence, S.C., VOR."

7. Section 600.6437 is added to read:

§ 600.6437 VOR civil airway No. 437 (Charleston, S.C., to Florence S.C.).

From the Charleston, S.C., VOR via the INT of the Charleston VOR 031° and the Florence VOR 181° radials; to the Florence, S.C., VOR, including a west alternate from the Charleston VOR to the Florence VOR. The portion of the west alternate between the Charleston VOR and the Florence VOR which lies above 12,000 feet mean sea level is excluded.

(Sec. 313(a) of the Federal Aviation Act of August 23, 1958, 72 Stat. 752 (Pub. Law 85-726). Interpret or apply sec. 307; 72 Stat. 749-750)

This amendment shall become effective 0001 e.s.t. February 12, 1959.

Issued in Washington, D.C. on February 2, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-1106; Filed, Feb. 6, 1959; 8:45 a.m.]

[Amdt. 3]

PART 601 — DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Alterations

Due to the increased activities at the Marine Corps Auxiliary Air Station (MCAAS), Beaufort, South Carolina, located directly below two heavily traveled airways, and because of the mission and type of aircraft being utilized at the station, it is now apparent that the intermixing of military and civil air traffic in the Beaufort-Savannah-Charleston area presents a hazardous situation requiring immediate action. At the present time, radar air traffic control facilities are not available in the area to provide adequate separation of this traffic. It has been decided, therefore, as a temporary measure, to designate a restricted area (Beaufort R-563) to provide a means for the approach and departure of jet military aircraft to and from the Beaufort MCAAS without conflict with en route civil traffic. Concurrently, a direct offshore airway from Jacksonville, Florida, to Charleston, South Carolina, is being established with a floor of 17,000 feet, MSL, and a ceiling of 23,000 feet, MSL, in order to provide usable IFR altitudes from 18,000 feet, MSL, through 22,000 feet, MSL, for en route civil traffic. At the same time it is necessary to eliminate temporarily the direct airway (VOR airway No. 3) between Savannah and Charleston, which presently overheads the Beaufort MCAAS, and reroute it around the Beaufort area to the St. George Intersection and thence to Florence, South Carolina. Other necessary action, such as rerouting Amber airway No. 7 around the Beaufort area, the elimination of the Beaufort restricted area R-499 located northeast of the Beaufort MCAAS, and the extension of control areas is also being taken.

This action is based in part on proposals submitted to the Air Coordinating Committee, which have been thoroughly considered and coordinated with the civil operators involved, the Army, the Navy and the Air Force. In addition, a Civil/Military team visited the area where it made a detailed on-the-spot study of the entire problem and submitted recommendations, to which consideration has been given. Since this action is necessary for the immediate safety of air traffic, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is impracticable and would be contrary to the public interest.

Accordingly, Part 601 is amended as follows:

1. Section 601.1008 is amended to read:

§ 601.1008 Control area extension (Savannah, Ga.).

All of the airspace north of latitude 31°35'00" N. lying within a 40-mile radius of Hunter AFB, Savannah, Ga. The portions of this control area which lie within the geographic limits of the Beaufort restricted area R-563, Camp Stewart restricted area R-159, Townsend restricted area R-339, Charleston warning area W-132, Fernandina warning area W-157 and the Savannah warning area W-160 are excluded at all times and altitudes.

2. Section 601.1175 is amended to read:

§ 601.1175 Control area extension (Charleston, S.C.).

All of the airspace south of Charleston bounded on the north by Control area extension No. 1152, on the southeast by a line 3 nautical miles southeast of and parallel to the shoreline, on the south by the Savannah control area extension No. 1008, and on the west by VOR civil airway No. 3. The portions of this control area which lie within the Beaufort restricted area R-563 shall be used only after obtaining prior approval from the Federal Aviation Agency Air Traffic Control.

§ 601.1200 [Amendment]

3. Section 601.1200 *Control area extension (Columbia, S.C.)* is amended by changing the words in the portion southeast of Columbia which read: "on the east by VOR civil airway No. 3 and on the southwest by VOR civil airway No. 53, excluding the portion below 26,000 feet MSL between sunrise and sunset which overlaps restricted area (R-384)," to read: "on the east by a line 5 miles west of and parallel to a direct line extending from the Charleston, S.C., VOR to the Florence, S.C., VOR, and on the southwest by VOR civil airway No. 53, excluding the portion which lies within the geographic limits of, and between the designated altitudes of, the Poinsett restricted area R-384 during this restricted area's time of designation."

§ 601.1369 [Amendment]

4. Section 601.1369 *Control area extension (Myrtle Beach, S.C.)* is amended by changing the words which read: "on the west by VOR civil airway No. 3-E," to read: "on the west by VOR civil airway No. 437,".

5. Section 601.6001 is amended to read:

§ 601.6001 VOR civil airway No. 1 control areas (Jacksonville, Fla., to New York, N.Y.).

All of VOR civil airway No. 1.

6. Section 601.6003 is amended to read:

§ 601.6003 VOR civil airway No. 3 control areas (Key West, Fla., to Presque Isle, Maine).

All of VOR civil airway No. 3 including east alternates but excluding the airspace between the main airway and its east alternate from the Florence, S.C., VOR to the Raleigh, N.C., VOR.

7. Section 601.6437 is added to read:

§ 601.6437 VOR civil airway No. 437 control areas (Charleston, S.C., to Florence, S.C.).

All of VOR civil airway No. 437 including a west alternate.

(Sec. 313(a) of the Federal Aviation Act of August 23, 1958, 72 Stat. 752 (Pub. Law 85-726). Interpret or apply sec. 307; 72 Stat. 749-750)

This amendment shall become effective 0001 e.s.t. February 12, 1959.

Issued in Washington, D.C., on February 2, 1959.

E. R. QUESADA,
Administrator.

[F.R. Doc. 59-1107; Filed, Feb. 6, 1959; 8:46 a.m.]

[Amdt. 5]

PART 608—RESTRICTED AREAS

Alterations

Due to the increased activities at the Marine Corps Auxiliary Air Station (MCAAS), Beaufort, South Carolina, located directly below two heavily travelled airways, and because of the mission and type of aircraft being utilized at the station, it is now apparent that the intermixing of military and civil air traffic in the Beaufort-Savannah-Charleston area presents a hazardous situation requiring immediate action. At the

present time, radar air traffic control facilities are not available in the area to provide adequate separation of this traffic. It has been decided therefore, as a temporary measure to designate a restricted area (Beaufort R–563) to provide a means for the approach and departure of jet military aircraft to and from the Beaufort MCAAS without conflict with enroute civil traffic. Concurrently, a direct offshore airway from Jacksonville, Florida to Charleston, South Carolina, is being established with a floor of 17,000 feet and a ceiling of 23,000 feet MSL, in order to provide useable IFR altitudes from 18,000 feet through 22,000 feet for enroute civil traffic. At the same time it is necessary to eliminate temporarily the direct airway (Victor–3) between Savannah and Charleston, which presently overheads the Beaufort MCAAS, and reroute it around the Beaufort area to the St. George Intersection and thence to Florence, South Carolina. Other necessary action, such as the rerouting of Amber 7 Airway around the Beaufort area, the elimination of Restricted Area R–499 located northeast of the Beaufort MCAAS, and the extension of control areas is also being taken.

This action is based in part on proposals submitted to the Air Coordinating Committee, which have been thoroughly considered and coordinated with the civil operators involved, the Army, the Navy, and the Air Force. In addition, a Civil/Military team visited the area where it made a detailed on-the-spot study of the entire problem and submitted recommendations, to which consideration has been given. Since this action is necessary for the immediate safety of air traffic, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is impracticable and would be contrary to the public interest.

While the temporary restricted area herein established is smaller than the area proposed by the Department of the Navy, it is believed adequate to satisfactorily reduce the collision potential presently existing. Basically, the Beaufort restricted area constitutes the airspace within a 6.8 statute mile radius of the Beaufort MCAAS from the surface to 7,000 feet MSL, plus a fan-shaped corridor composed of the airspace from 2,000 feet to 7,000 feet MSL extending approximately 8 statute miles east from the center of the Beaufort area plus the airspace from 5,000 feet to 24,000 feet MSL extending to the offshore airway, and the airspace from 5,000 feet to 17,000 feet under the airway itself. ATC clearance will be required before operation within or entry into the restricted area by all aircraft, except military aircraft under the control of Beaufort MCAAS.

The Department of Navy has informed the Federal Aviation Agency that the installation of a radar air traffic control center at the Beaufort MCAAS to be jointly manned by FAA and Navy personnel will be expedited in order to be fully operational by December 1, 1959, if not sooner. Upon the MCAAS radar air traffic control center becoming fully operational the necessity for the restricted area will cease and this action may be rescinded. Therefore, this action should be considered as temporary in nature.

Accordingly, Part 608 published as a "Revision of the Part" on November 4, 1958 in 23 F.R. 8575 is amended as follows:

1. In Section 608.48, the Beaufort, South Carolina Temporary Area (R–563) is added to read:

Description by geographical coordinates. Within the circumference of a 6.8 statute mile radius circle centered on the Beaufort, South Carolina MCAAS, excluding the portion subtended by a chord drawn between a point at latitude 32°22'45", longitude 80°43'40", and a point at latitude 32°29'30", longitude 80°36'58". Also, within the area beginning at latitude 32°29'40", longitude 80°11'40"; thence proceeding 3 nautical miles off shore to latitude 32°13'00", longitude 80°30'00"; thence northwest to a point tangent to the 6.8 statute mile circle at latitude 32°24'00", longitude 80°48'30"; thence counterclockwise around the circle to latitude 32°22'45", longitude 80°43'40"; thence direct to latitude 32°29'30", longitude 80°36'58"; thence counterclockwise around the circle to latitude 32°34'30", longitude 80°43'00"; thence eastsoutheast to point of beginning.

Designated altitudes. (a) Surface to 7,000 feet MSL—within the 6.8 statute mile radius circle centered on the Beaufort, South Carolina, MCAAS, excluding the portion of the circle subtended by a chord drawn between a point at latitude 32°22'45", longitude 80°43'40", and a point at latitude 32°29'30", longitude 80°36'58".

(b) 2,000 feet MSL to 7,000 feet MSL—within the portion that lies east of the area described in (a) above and west of a line lying 5 statute miles east of, and parallel to, a direct line from the Savannah, Georgia, VOR to the Charleston, South Carolina, VOR.

(c) 5,000 feet MSL to 24,000 feet MSL—within the portion that lies between a line 5 statute miles east of, and parallel to, a direct line from the Savannah, Georgia, VOR to the Charleston, South Carolina, VOR and a line 5 statute miles west of, and parallel to, a direct line from the Jacksonville, Florida, VOR to the Charleston, South Carolina, VOR.

(d) 5,000 feet MSL to, but not including, 17,000 feet MSL—within the portion that lies east of a line 5 statute miles west of, and parallel to, a direct line from the Jacksonville, Florida, VOR to the Charleston, South Carolina, VOR.

Time of designation. Continuous.

Controlling agency. ARTC, Jacksonville, Florida.

This amendment, effective February 12, 1959, shall continue in effect until December 1, 1959, unless sooner superseded or rescinded by the Administrator.

2. In § 608.48, the Beaufort, South Carolina, area (R–499) is rescinded.

This amendment shall become effective on February 12, 1959.

Issued in Washington, D.C., on February 2, 1959.

(Sec. 313(a) Federal Aviation Act of 1958, Act of August 23, 1958, 72 Stat. 752 (Pub. Law 85–726). Interpret or apply sec. 307(a) and 307(c); 72 Stat. 749, 750 (Pub. Law 85–726))

E. R. QUESADA,
Administrator.

[F.R. Doc. 59–1108; Filed, Feb. 6, 1959; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7103]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Coast to Coast Service Corp. et al.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Financing activities;[1] nature; service; § 13.185 *Refunds, repairs, and replacements;* § 13.205 *Scientific or other relevant facts;* § 13.225 *Services.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1490 *Nature, in general;* § 13.1560 *Stock, product or service; (Misrepresenting oneself and goods)*—Goods: § 13.1725 *Refunds.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Coast to Coast Service Corporation (New York, N.Y.) et al., Docket 7103, January 10, 1959]

In the Matter of Coast to Coast Service Corporation, a Corporation, and William Maurice, Also Known as William Muchnick, Ralph P. O'Neal, Anna M. Lombard Maurice, Lewis Grombacher, and Emelia Leuta Promisco, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a concern in New York City—formerly of Chicago—engaged in the listing for sale and advertising of real estate and other property, with making written and oral misrepresentations for the purpose of obtaining listings of real estate and inflated excessive fees therefor, including false claims that they were bona fide business brokers, that they had prospects interested in specific properties listed and would sell a property in a short time, that they would furnish expert appraisers to evaluate a property, that a property was underpriced and the asking price should be raised, that they maintained a finance department and would finance purchase of listed properties, and that the listing fee was only an advance on the selling commission and would be refunded if the property was not sold in a short time.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on January 10 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Coast to Coast Service Corporation, a corporation, and its officers, and William Maurice, also known as William Muchnick, Anna M. Lombard, Maurice and Lewis Grombacher, individually and as officers of the corporate respondent, and

[1] New.

Ralph P. O'Neal, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale or sale of advertising in newspapers and in other advertising media, or of other services and facilities in connection with the offering for sale, selling, buying or exchanging of business or any other kind of property, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that:

1. Respondents are bona fide business brokers.

2. Respondents have available prospective buyers who are interested in the purchase of specific property.

3. Property listed with them will be sold as a result of respondents' efforts.

4. Respondents furnish qualified, experienced or expert appraisers to evaluate property listed with them.

5. The property sought to be listed is underpriced or that the asking price should be increased, or that respondents can or will sell the property at the increased price.

6. Respondents maintain a financial department, or that they finance the purchase of listed property.

7. The listing fee is an advance on the selling commission or will be refunded to the property owner.

It is further ordered, That the complaint be, and it is hereby, dismissed as to Ralph P. O'Neal, as an officer of respondent, Coast to Coast Service Corporation and as to Emelia Leuta Promisco, without prejudice to the right of the Commission to take such action in the future as may be warranted by the existing conditions.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents Coast to Coast Service Corporation, a corporation, William Maurice, also known as William Muchnick, Anna M. Lombard Maurice, and Lewis Grombacher, individually and as officers of Coast to Coast Service Corporation, and Ralph P. O'Neal, individually, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: January 9, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-1129; Filed, Feb. 6, 1959; 8:48 a.m.]

[Docket 7213]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Rudban Coats, Inc., et al.

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Preticketing merchandise misleadingly.* Subpart—*Misbranding or mislabeling:* § 13.1280 *Price.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1811 *Fictitious preticketing.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Rudban Coats, Inc., et al., New York, N.Y., Docket 7213, January 10, 1959]

In the Matter of Rudban Coats, Inc., a Corporation, Joseph Norban and Abraham Norban, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging operators of some 70 women's apparel retail stores in New York, New Jersey, Pennsylvania, Massachusetts, and other States to which they distributed merchandise already tagged and priced, with preticketing women's belts with exaggerated and fictitious prices which were lined out and followed by the real selling price, thereby misrepresenting the usual selling price, the quality of the product, and savings realized by purchasers.

After entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on January 10 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Rudban Coats, Inc., a corporation, and its officers, and Joseph Norban and Abraham Norban, individually and as officers of said corporation and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of women's wearing apparel, accessories, or other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly:

1. Representing that the regular and usual retail selling price of said merchandise is any amount other than that at which respondents have sold said merchandise in the recent regular course of business.

2. Representing that any price for said merchandise is a reduced price unless it is in fact a reduction from the price at which respondents have sold said merchandise in the recent regular course of business.

3. Representing that the retail value of said merchandise is any amount in excess of the usual and customary retail selling price of merchandise of like grade, quality, design, and workmanship contemporaneously sold in the same general trade area by other retailers and dealers selling such merchandise.

4. Representing that any savings from respondents' usual and customary retail selling prices for said merchandise are afforded to purchasers thereof when the price designated constitutes respondents' usual and customary retail selling price for said merchandise.

5. Furnishing to other persons, firms, or corporations the said merchandise preticketed so as to misrepresent the regular retail selling price, the reduced price, value or the amount of savings in the purchase thereof in the manner aforesaid.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: January 9, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-1130; Filed, Feb. 6, 1959; 8:48 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVII—Office of Civil and Defense Mobilization

PART 1712—LABOR STANDARDS FOR FEDERALLY ASSISTED CONTRACTS

Sec.

AUTHORITY: §§ 1712.1 to 1712.9 issued under sec. 401 of the Federal Civil Defense Act of 1950, as amended, 50 U.S.C. 2253, and Reorganization Plan No. 1 of 1958, 23 F.R. 4991, as amended by Pub. Law 85-763, 72 Stat. 861.

§ 1712.1 Purpose and scope.

The regulations of this part are supplemental to those contained in 29 CFR Part 5, and together, they prescribe the labor standards applicable to construction work financed with the assistance of any contribution of Federal funds made by the Director pursuant to the provisions of section 201(i) of the Federal Civil Defense Act of 1950, as amended (64 Stat. 1245, 50 U.S.C. App. 2251 et seq.) by each State, and each political subdivision thereof, where applicable. The regulations in this part, to the extent that they vary from those published in 29 CFR Part 5, have been approved by the Secretary of Labor under 29 CFR 5.5(a) and 5.12 to meet the particular needs of the Office of Civil and Defense Mobilization. To assure full labor standards compliance reference should be made to the regulations contained in 29 CFR Part 5 as well as those published in this part.

§ 1712.2 Definitions.

Except where otherwise clearly required by the context, each of the following terms shall have the meaning

defined in this section when used in the regulations in this part:

(a) *Contract.* Any contract which is entered into for the actual construction, alteration, or repair, including painting and decorating, of a building or work financed with the assistance of any contribution of Federal funds made by the Director under the provisions of section 201(i) of the Federal Civil Defense Act of 1950, as amended (64 Stat. 1245, 50 U.S.C. 2251 et seq.).

(b) *Building or work.* Construction activity as distinguished from manufacturing, furnishing of materials, or servicing and maintenance work; including without limitation, buildings, structures, and improvements of all types such as shelters, ramps, roadways, parking lots, tunnels, mains, power lines, pumping and generator stations, terminals, plants, rehabilitation and reactivation of plants, scaffolding, drilling, blasting, clearing, and landscaping. The manufacture or furnishing of materials, articles, supplies, or equipment is not a "building" or "work" within the meaning of the regulations in this part unless conducted in connection with and at the site of such building or work as defined hereunder.

(c) *Construction.* All types of work done on a particular building or work at the site thereof, including without limitation, altering, repairing, remodeling, painting and decorating, the transporting of materials and supplies to or from the building or work by the employees of the construction contractor or the construction subcontractor, and the manufacturing or furnishing of materials, articles, supplies or equipment on the site of the building or work by persons employed by the contractor or the subcontractor.

(d) *Employee (employed).* Every person paid by a contractor or subcontractor in any manner for his labor on construction work financed with the assistance of any contribution of Federal funds made by the Director under the provisions of section 201 of the Federal Civil Defense Act of 1950, as amended (64 Stat. 1245, 50 U.S.C. 2251 et seq.) is "employed" and receiving "wages," regardless of any contractual relationship alleged to exist.

§ 1712.3 Project applications.

Each project application submitted to the Office of Civil and Defense Mobilization by a State involving a construction contract financed with the assistance of any contribution of Federal funds shall include as a condition thereof, the following provisions, verbatim:

(a) The State hereby agrees, as a condition of this project application, to conform to each and every obligation required on its part by the Federal Civil Defense Act of 1950, as amended (50 U.S.C. 2251 et seq.), by the Office of Civil and Defense Mobilization regulations, and by the Office of Civil and Defense Mobilization manuals and instructions, as now or hereafter provided. The obligations of the State include without limitation the requirement that the State include verbatim in each construction contract, and cause to be included verbatim in each subcontract thereunder, the provisions set forth in § 1712.4 of Office of Civil and Defense Mobilization Regulations, Part 1712, and the labor standards requirements, including compliance provisions, set forth in Office of Civil and Defense Regulations, Part 1712.

(b) The State hereby represents that it has executed and attached hereto, as a part hereof, a United States Department of Labor form DB11 requesting the Secretary of Labor to issue a wage determination decision pursuant to the Davis-Bacon Act, as amended.

(c) The State hereby agrees that the Office of Civil and Defense Mobilization shall withhold from the amount of any contributions otherwise due the State a sum sufficient to cover the amount of any restitution due laborers and mechanics employed by a contractor or subcontractors. Further, the maximum estimated total under payments may be withheld from any advance or interim or final payment which otherwise would be due the State, pending the investigation and definite ascertainment of the amount. This provision shall in nowise reduce the efficacy of subsection 401(h) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. 2253), and regulations issued in furtherance thereof, as now or hereafter provided.

§ 1712.4 Contract provisions.

(a) Each construction contract and all subcontracts thereunder shall include as a part thereof the following labor standards provisions, in completed form, verbatim:

(1) All mechanics and laborers employed by the contractor or subcontractor in the performance of construction work hereunder will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account except such payroll deductions as are permitted by the Copeland Regulations issued by the Secretary of Labor (29 CFR, Subtitle A, Part 3), the full amounts due at time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics; and the wage determination decision shall be posted by the contractor at the site of the work in a prominent place where it can be easily seen by the workers.

(2) The *State of _____ may, after written notice to the contractor, withhold or cause to be withheld from the contractor so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics employed by the contractor or any subcontractor on the work the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic employed by the contractor or subcontractor in the performance of construction work hereunder, all or part of the wages required by the contract, the *State of _____ may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

(3) Payroll records will be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working on the construction of the project. Such records will contain the name and address of each such employee, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made and actual wages paid.

The contractor will submit weekly a certified copy of all payrolls to the *State of _____ for transmission by or through the State to the Office of Civil and Defense Mobilization. The statement will affirm that the payrolls are correct and complete, that the wage rates contained therein are not less than those detemined by the Secretary of Labor and that the classifications set forth for each laborer or mechanic conform with the work he performed. The contractor will make his employment records available for inspection by authorized representatives of the State of _____, the *_____ of _____, the Office of Civil and Defense Mobilization and the Department of Labor, and will permit such representatives to interview employees during working hours on the job.

(4) Apprentices will be permitted to work only under a bona fide apprenticeship program registered with a State Apprenticeship Council which is recognized by the Federal Committee on Apprenticeship, U.S. Department of Labor; or if no such recognized Council exists in a State, under a program registered with the Bureau of Apprenticeship, U.S. Department of Labor.

(5) The contractor will comply with the regulations (copy of which is attached) of the Secretary of Labor made pursuant to the Copeland Act of June 13, 1934, 48 Stat. 948; 62 Stat. 740, 63 Stat. 108; 18 U.S.C. 874, 40 U.S.C. 276 b, c, and any amendments or modifications thereof, will cause appropriate provisions to be inserted in subcontracts to insure compliance therewith by all subcontractors subject thereto, and will be responsible for the submission of statements required of subcontractors thereunder, except as the Secretary of Labor may specifically provide for reasonable limitations, variations, tolerances and exemptions from the requirements thereof.

(6) Every laborer or mechanic employed by the contractor or subcontractor in the performance of construction work hereunder shall receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in any workweek, as the case may be.

(7) The contractor will insert verbatim in each of his subcontracts the provisions set forth in stipulations (1), (2), (3), (4), (5), (6), and (8) hereof, and such other stipulations as the Office of Civil and Defense Mobilization may by appropriate instructions require.

(8) A breach of stipulations (1) through (7) may be grounds for termination of the contract.

(b) Each construction contract and all subcontracts thereunder shall have attached thereto and made a part thereof the applicable wage determination decision of the Secretary of Labor.

(c) Each construction contract and all subcontracts thereunder shall have attached thereto the Copeland Regulations issued by the Secretary of Labor (29 CFR, Subtitle A, Part 3).

§ 1712.5 Ineligible bidders.

No construction contract or any subcontracts thereunder shall be awarded to any contractor or subcontractor appearing on the list of ineligible bidders published by the Comptroller General of the United States pursuant to regulations issued by the Secretary of Labor (29 CFR, Subtitle A, Part 5) and the Davis-Bacon Act, as amended (40 U.S.C. 276a et seq.). A certification by the party to whom the contract or subcontract is being awarded that he is not listed on the Comptroller General's list

*Where a city, county, or other political subdivision contracts with the contractor for construction of a project, substitute (or add, as the case may be) the correct name of the city, county, or other political subdivision.

of ineligible bidders shall be a condition of the contract and all subcontracts thereunder. Such certification shall constitute a warranty, the falsity of which will render void the contract or subcontract, as the case may be.

§ 1712.6 Examination of payrolls.

A certified copy of all payrolls shall be submitted weekly to the Office of Civil and Defense Mobilization by or through the State. All payrolls will be checked by the State or political subdivision, where applicable, against the applicable wage determination decision of the Secretary of Labor to verify labor standards compliance and to ascertain the following:

(a) That the rates paid to various classifications of employees are in conformity with the applicable wage determination decision.

(b) That the ratio of apprentices to journeymen is not disproportionate.

(c) That the ratio of laborers to journeymen is not disproportionate.

(d) That the ratio of helpers to journeymen is not disproportionate.

(e) That each classification shown in the payrolls is a classification for which a rate was predetermined in the applicable wage determination decision.

(f) That there are included in the payrolls those classifications of workers who would logically perform the work performed during the weeks in question.

§ 1712.7 Investigations.

(a) All indications, including but not limited to all complaints, of alleged violations of labor standards brought to its attention shall be investigated by the State, and the State shall require that all such indications brought to the attention of a political subdivision shall be forthwith brought to the attention of the State. At least once during the project and at least every six months on projects of long duration, the State shall make an "on the site" labor standards check including without limitation the following:

(1) Interviewing of a representative number of employees including but not necessarily limited to one employee in each classification or craft to ascertain what work the employee is doing and his regular rate of pay. This information shall be checked against the payrolls and the applicable wage determination decision to verify compliance or noncompliance.

(2) Checking of the registration of all apprentices.

(b) In conducting investigations, including those of complaints of alleged violations, all statements, written or oral, made by an employee are to be treated as confidential and shall not be disclosed to his employer without the consent of the employee.

§ 1712.8 Compliance.

If there is evidence of labor standards noncompliance, restitution shall be required of the contractor or subcontractor and the State shall, after written notice to the contractor, withhold from the contractor advances, guarantees and accrued payments sufficient to cover the restitution due laborers and mechanics employed by the contractor or subcontractor. The State also has the option of terminating the contract in accordance with its provisions. If there is evidence that the violations were aggravated, willful, or resulted in underpayments of $200 or more, a detailed report, including information as to restitution made; payments, advances and guarantees of funds withheld; contract terminations; and the names and addresses of employees and contractors or subcontractors affected shall be submitted by the State to the Office of Civil and Defense Mobilization. No report need be made where the underpayments total less than $200, if nonwillful, restitution has been made, and the State has received assurance of future compliance.

§ 1712.9 Certification regarding compliance.

Before making final payment on the contract, the State shall submit a certification to the Office of Civil and Defense Mobilization verifying the following:

(a) That the required labor standards provisions have been included in all construction contracts and subcontracts;

(b) That the State has made the investigations required in § 1712.7 and has found that:

(1) The contractor was in compliance, or

(2) The contractor has come into compliance, or

(3) The contractor is still not in compliance and that $_____ restitution is due the employees of the contractor or subcontractors;

(c) That the payrolls required to be submitted by the contractor and subcontractors have been submitted and disclose no labor standards violations other than those investigated and covered in paragraph (b) (2) and (3) of this section.

Effective date. The regulations in this part shall take effect upon publication in the FEDERAL REGISTER.

Approved: January 14, 1959.

LEO A. HOEGH,
Director.

[F.R. Doc. 59-1103; Filed, Feb. 6, 1959; 8:45 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 54778]

PART 13—EXAMINATION AND MEASUREMENT OF CERTAIN PRODUCTS

Invoices Covering Long Staple Cotton

Presidential Proclamation No. 3251 of July 7, 1958 (23 F.R. 5233; T.D. 54637), further modified Presidential Proclamation No. 2351 of September 5, 1939 (3 CFR, Cum. Supp., Chap. 1; T.D. 49956), by allocating, on the basis of staple length, the import quota of 45,656,420 pounds on cotton having a staple length of 1⅛ inches or more for the year beginning August 1, 1958, and for each year thereafter beginning August 1.

To facilitate the examination and identification of importations of raw cotton a more detailed description of such cotton on customs invoices is necessary. Accordingly, the Customs Regulations are amended as follows:

Section 13.17(a) is amended by changing the figures "1$\frac{11}{16}$ inches" in subparagraph (3) to read "1⅛ inches"; by redesignating subparagraph (4) as subparagraph (6); and by inserting the following new subparagraphs (4) and (5):

(4) This cotton is harsh or rough cotton (other than cotton of perished staple, grabbots, and cotton pickings), white in color, and has a staple length of 1$\frac{5}{32}$ inches or more and under 1⅛ inches.

(5) The staple length of this cotton is 1⅛ inches or more and under 1$\frac{11}{16}$ inches.

(Secs. 481, 624, 46 Stat. 719, 759; 19 U.S.C. 1481, 1624)

To provide sufficient time for compliance with these regulations this amendment shall become effective 60 days after publication in the FEDERAL REGISTER.

[SEAL] RALPH KELLEY,
Commissioner of Customs.

Approved: February 2, 1959.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-1134; Filed, Feb. 6, 1959; 8:49 a.m.]

[T.D. 54779]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Sugar From Australia

Net amount of bounty declared for the last 6 months of 1958 for products of Australia subject to the countervailing duty order published in T.D. 54582, section 16.24(f), Customs Regulations, amended.

The following information is published pursuant to T.D. 54582 dated April 19, 1958 (23 F.R. 3034).

The Treasury Department is in receipt of official information that the rates of bounties or grants paid or bestowed by the Australian Government within the meaning of section 303, Tariff Act of 1930 (19 U.S.C. 1303), on the exportation during the last 6 months of 1958 of approved fruit products and other approved products containing sugar are the amounts set forth in the following table:

MERCHANDISE—APPROVED FRUIT PRODUCTS AND OTHER APPROVED PRODUCTS

1958	*Net amount of bounty per 2,240 pounds of sugar content*
July	£A22. 1.0
August	20.15.0
September	20.19.0
October	21. 6.0
November	23. 4.0
December	23. 2.0

The net amounts of bounties or grants on the above-described commodities which are manufactured or produced in Australia are hereby ascertained, determined, and declared to be the amounts set forth in the above table. Collectors of customs shall assess and collect additional duties on the above-described commodities, whether imported directly or indirectly from that country, equal to the appropriate net amount of the bounty shown in the above table.

The table in § 16.24(f) of the Customs Regulations (19 CFR 16.24(f)) is amended by inserting after the last line under "Australia—Sugar content of certain articles" the number of this Treasury Decision in the column headed "Treasury Decision" and the words "New rates" in the column headed "Action".

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] LAWTON M. KING,
Acting Commissioner of Customs.

Approved: January 28, 1959.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-1135; Filed, Feb. 6, 1959; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1780]

ALASKA

Withdrawing Lands for Recreational Purposes; Partially Revoking Executive Order No. 8102 of April 29, 1939, Which Withdrew Lands for Use of the War Department as a Military Reservation

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, and the provisions of existing withdrawals, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor disposal of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601–604), as amended, and reserved under the jurisdiction of the Secretary of the Interior for administration and maintenance as public recreation areas pending their conveyance or other disposal as authorized by the act of May 4, 1956, as amended by the act of August 30, 1957 (71 Stat. 510):

SEWARD MERIDIAN

[Anchorage 024197]

Moose Creek Campground

T. 18 N., R. 2 E.,
Sec. 2, lots 10, 11, 14, 15, 16, and S½NW¼NW¼.
Totaling 39.85 acres.

Peters Creek Campground

T. 15 N., R. 1 W.,
Sec. 9, S½NW¼NE¼SE¼SE¼, NE¼NE¼SE¼SE¼, E½SW¼SE¼NE¼SE¼, and SE¼SE¼NE¼SE¼;
Sec. 10, S½SW¼SW¼NW¼SW¼ and W½NW¼NW¼SW¼SW¼.
Totaling 10 acres.

Eagle River Campground

T. 14 N., R. 2 W.,
Sec. 14, lots 1, 2, 3, 11, 12, 13, 14, 15, 16, 31, 32, SW¼NE¼NE¼, and E½NE¼NE¼.
Totaling 75.31 acres.

[Anchorage 034316]

Eagle River Area

T. 14 N., R. 2 W.,
Sec. 11, lots 74 and 75.
Totaling 4.38 acres.

The total area withdrawn by this order is 129.54 acres.

2. Executive Order No. 8102, of April 29, 1939, which withdrew lands for use of the War Department as a military reservation, is hereby revoked so far as it affects the lands described above in sec. 14, T. 14 N., R. 2 W.

ROGER ERNST,
Assistant Secretary of the Interior.

FEBRUARY 3, 1959.

[F.R. Doc. 59-1115; Filed, Feb. 6, 1959; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12671; FCC 59-77]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Permission To Operate in Certain Frequency Band

In the matter of amendment of Part 2 of the Commission's rules and regulations to permit operation by stations in the International Fixed Public Radiocommunication Service in the frequency band 2110–2200 Mc in the State of Florida south of 25°30' north latitude; Docket No. 12671.

1. On November 12, 1958, the Commission adopted a Notice of Proposed Rule Making in the above entitled matter which was released on November 14, 1958, and published in the FEDERAL REGISTER on November 19, 1958 (23 F.R. 8992).

2. The periods for filing comments and reply comments in this matter expired respectively on December 29, 1958, and January 8, 1959. Comments were received from the National Committee for Utilities Radio (NCUR) and the Central Committee on Radio Facilities of the American Petroleum Institute (API). Comments in reply to the NCUR and API comments were filed by the American Telephone and Telegraph Company (AT&T).

3. The comments of NCUR oppose both the subject proposal and the Commission's outstanding proposal in Docket No. 12404 to allow sharing of the 2110–2200 Mc band by the Common Carrier Fixed Service, on the ground such shared use would effectively preclude future use of this band by, and curtail the amount of spectrum space available to, operational fixed stations. NCUR further opposes the proposed use of this band by the International Fixed Public Radiocommunication Service in southern Florida only, on the ground that the proposed tropospheric scatter transmissions could cause serious interference to existing and possible future microwave systems operating outside the State of Florida. The NCUR comments also mentioned the loss of the 890–940 Mc and 3500–3700 Mc bands to potential operational fixed use as a result of the Commission's Memorandum Opinion and Order of April 16, 1958.

4. The comments of API oppose the subject proposal on the premise that the high power used in scatter techniques will result in blanketing much of the State of Florida and the area in and around the Gulf of Mexico, the latter area being more important insofar as the use of radio by the petroleum industry is concerned. API states that such blanketing could preclude the development of operational fixed stations by the petroleum industry in the area affected.

5. The AT&T comments in reply to the NCUR and API comments state that the AT&T proposes to use only two 5-Mc channels in the 2110–2200 Mc band for over-the-horizon operations in Florida. AT&T will use highly directional antennas beamed toward the Bahamas at the proposed Florida station which should not only prevent any blanketing effect but should also allow co-channel operation of stations in other services except in the immediate vicinity of the over-the-horizon station.

6. With regard to the NCUR reference to frequency reallocations effected by the Commission's Memorandum Opinion and Order of April 16, 1958 (FCC 58–379), it should be noted that the Common Carrier Services suffered the same loss of the 890–942 Mc and 3500–3700 Mc bands which were allocated on a shared basis to several non-Government radio services. In this connection we wish to point out that the recent reallocation of the 3500–3700 Mc band to Government cannot be regarded as having curtailed expansion of either common carrier or operational fixed microwave services because this band has never been allocated for non-Government fixed service. Except for the band 890–942 Mc the frequency reallocation of April 16 did not involve transfer of any bands wherein provision was made for operational fixed stations. Inasmuch as there are very few authorizations in the 890–940 Mc band except for common carrier fixed stations, the problem of transferring operations out of the 890–942 Mc band to avoid harmful interference from ISM installations and Government radiopositioning stations is manifestly greater for common carriers than for any other service.

7. The Commission's frequency assignment records show that there are only 8 outstanding authorizations in the 2110–2200 Mc band and only 4 of these, all of which are for stations in California, are in the Industrial Radio Serv-

ices. The possibility of interference to these stations from the AT&T proposed over-the-horizon installation in southern Florida is extremely remote. With reference to the concern of NCUR and API regarding interference to possible future operational fixed stations operating in the 2110–2200 Mc band, the Commission, by mandate, must provide, insofar as practicable, for the most efficient utilization of the radio spectrum. In this case AT&T appears to have a definite need for frequency space in this band, whereas there seems to be little interest in use of the band by operational fixed and international control stations for which it is presently allocated. In any event it appears improbable that the use of two 5-Mc segments of this band in southern Florida, as proposed by AT&T, will have any appreciable effect on present or future operational fixed systems.

8. In view of the foregoing: *It is ordered,* Pursuant to the authority contained in section 303 (c), (f) and (r) of the Communications Act of 1934, as amended, that effective February 3, 1959, Part 2 of the Commission's rules, Frequency Allocation and Radio Treaty Matters; general rules and regulations, is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: February 3, 1959.

Released: February 4, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. In the table of frequency allocations, § 2.104(a) (5), add a new footnote NG30 to read as follows:

NG30 Stations in the International Fixed Public Radiocommunication Service in Florida, south of 25°30′ north latitude may be authorized to use frequencies in the band 2110–2200 Mc.

2. Add the NG30 footnote designator to the band 2110–2200 Mc in column 7 of the table of frequency allocations.

[F.R. Doc. 59–1139; Filed, Feb. 6, 1959; 8:50 a.m.]

[Docket No. 12474; FCC 59–59]

PART 10—PUBLIC SAFETY RADIO SERVICES

Limitation of Authorized Power of Transmitters Operating on Certain Frequencies

1. Notice of proposed rule making in the above-entitled matter was adopted June 4, 1958 (FCC 58–547). Ample opportunity was afforded all interested parties to file comments in support of or in opposition to the proposal. The proposed amendment would, if adopted, limit the authorized power of transmitters operating on frequencies in the 450–460 Mc range to a maximum of 600 watts as is presently applicable to transmitters operating in the 100–450 Mc range.

2. In promulgating the proposed rules change the Commission stated in part:

* * * § 10.106 of Part 10 of the Commission's rules, Public Safety Radio Services, now specifies the maximum plate power input to the final radio frequency stage which will be authorized for stations operating on frequencies from 1.6 to 450 Mc. It further states that the maximum authorized plate power input to the final radio frequency stage of any transmitter operated on a frequency above 450 Mc will be specified in the station authorization in each case.

The Commission has recently made frequencies in the range 450–460 Mc available in these services on a regular, rather than on a developmental, basis. In view of this fact, it appears appropriate to also specify in § 10.106 that power limitation to be applied to stations in the Public Safety Radio Services operating on frequencies in the 450–460 Mc range.

3. Comments on the proposal have been received from the General Electric Company and from Motorola, Inc., both in support thereof. No comments in opposition to the proposal have been received.

4. In view of the foregoing, the Commission concludes that the public interest will be served by amending the rules in the manner proposed.

5. *Accordingly, it is ordered,* Pursuant to the authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended, that Part 10 of the Commission's rules be and is amended, effective March 10, 1959, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: February 3, 1959.

Released: February 4, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

The table appearing in § 10.106(b) is amended to read as follows:

Frequency range:	*Maximum plate power input to the final radio frequency stage (watts)*
1.6 to 3 Mc	2,000
3 to 25 Mc	1,000
25 to 100 Mc	500
100 to 460 Mc	600
Above 460 Mc	(1)

[1] To be specified in the station authorization.

[F.R. Doc. 59–1140; Filed, Feb. 6, 1959; 8:50 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 173]

LEASING OF LANDS IN CROW INDIAN RESERVATION, MONT., FOR MINING

Payments, and Annual Rentals and Expenditures for Development on Mining Leases Other Than Oil and Gas

Basis and purpose. Notice is hereby given that pursuant to authority vested in the Secretary of the Interior by the Act of June 4, 1920 (41 Stat. 751–753), it is proposed to amend 25 CFR 173.13 and 173.16 as set forth below. The purpose of the amendments is to change a reference in § 173.13 to its new number and to get uniformity in the regulations fixing the annual rental and expenditures for development in tribal mining leases other than oil and gas.

The proposed amendment relates to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments, to the Commissioner of Indian Affairs, Department of the Interior, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

FEBRUARY 3, 1959.

1. Section 173.13(a) is amended to delete "195.4" and insert in lieu thereof "173.4".

2. The headnote and the present text of § 173.16 are amended to read as follows:

§ 173.16 Annual rentals and expenditures for development on mining leases other than oil and gas.

The provisions of § 171.14 of this subchapter, or as hereafter amended, are applicable to leases under this part.

[F.R. Doc. 59–1114; Filed, Feb. 6, 1959; 8:47 a.m.]

Bureau of Land Management

[43 CFR Part 192]

OIL AND GAS LEASES

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the Act of February 25, 1920 (41 Stat.

437; 30 U.S.C. section 181 et seq.) as amended and supplemented, it is proposed to amend 43 CFR 192.42(d), 192.43 and 192.161 as set forth below. The purpose of the amendments is to provide a uniform and orderly method for the filing of new offers to lease on lands in expired, cancelled, relinquished, or terminated leases.

The proposed amendments relate to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Bureau of Land Management, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

ROGER ERNST,
Assistant Secretary of the Interior.

FEBRUARY 3, 1959.

1. Section 192.42(d) is amended by adding thereto a new subparagraph (3) to read as follows:

§ 192.42 Offer to lease and issuance of lease.

* * * * * * *

(d) * * *

(3) Where less than 640 acres were formerly embraced in a lease and become available to further leasing in accordance with § 192.43.

2. Section 192.43 is amended to read as follows:

§ 192.43 Availability of lands to further lease offers where noncompetitive lease expires, is cancelled, relinquished or terminated.

(a) Lands in cancelled or relinquished leases or in leases which terminate by operation of law for non-payment of rent pursuant to 30 U.S.C. 188, which are not withdrawn from leasing nor on a known geologic structure of a producing oil and gas field shall be subject to the filing of new lease offers only after notation on the official records of the cancellation, relinquishment, or termination of such lease and only in accordance with the provisions of this section. Such notations on the official records shall be made during the first 15 calendar days of the month following the cancellation, relinquishment, or termination of the lease. During said 15-day period such lands will not be subject to the filing of new lease offers. All lands covered by leases which expire by operation of law at the end of their primary or extended terms shall likewise be subject to the filing of new lease offers only in accordance with the provisions of this section except that notation of such expiration of the leases need not be made on the official records.

(b) On the 16th calendar day of each month or the first working day thereafter if on the 16th day the land office is not open, the authorized officer of the Bureau of Land Management will post on the bulletin board in each land office a list by serial number of all the leases which expired, were cancelled, relinquished in whole or in part, or terminated during the preceding month, together with a notice stating that the lands in such leases will be subject to simultaneous filings during the remainder of the month and until 10:00 a.m. of the first working day of the next month.

(c) Each offer to lease must include the entire area included in the expired, cancelled, relinquished or terminated lease and must be filed in a separately sealed envelope. The sealed envelope must contain the filing fee and advance rental payment required by § 192.42 and have endorsed on its face the name and address of the offeror, the serial number of the expired, cancelled, relinquished or terminated lease and the township and range in which the lands involved are situated. Any offers not so submitted will be rejected and returned to the offeror.

(d) If more than one offer to lease the entire acreage covered by an expired, cancelled, relinquished, or terminated lease is filed during the period provided for in paragraph (b) of this section, their priorities will be determined by a public drawing in accordance with § 295.8 of this chapter.

(e) The sealed envelopes referred to in paragraph (c) of this section will be returned unopened to the unsuccessful offerors.

(f) Offers to lease which cover lands not within the foregoing categories and which are received in the same mail or over the counter at the same time, will be considered as having been filed simultaneously, and priority to the extent of the conflicts between them will be determined by a public drawing in accordance with the provisions of § 295.8 of this chapter.

(g) If no offers to lease the lands in the expired, cancelled, relinquished, or terminated leases are received during the period provided for in paragraph (b) of this section such lands will thereafter become subject to lease in the usual manner in accordance with regulations in this part.

3. Paragraph (a) of § 192.161 is amended to read as follows:

§ 192.161 Cancellation and termination of lease.

(a) Any lease issued after July 29, 1954, or any lease which is extended after that date pursuant to § 192.120, on which there is no well capable of producing oil or gas in paying quantities shall automatically terminate by operation of law if the lessee fails to pay the rental on or before the anniversary date of such lease. However, if the time for payment falls upon any day in which the proper office to receive payment is not open, payment received on the next official working day shall be deemed to be timely. The termination of the lease for failure to pay the rental must be noted on the official records of the appropriate Land Office. Upon such notation the lands included in such lease will become subject to the filing of new lease offers only as provided for in § 192.43.

[F.R. Doc. 59-1116; Filed, Feb. 6, 1959; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12756; FCC 59-91]

TELEVISION BROADCAST STATIONS; MOSES LAKE AND WENATCHEE, WASH., AND KELLOGG, IDAHO

Table of Assignments

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on January 20, 1959, by Video Utility Company, requesting an amendment of § 3.606 of the Table of Assignments, Television Broadcast Stations, by making certain changes in television assignments in Moses Lake and Wenatchee, Washington. The following changes in the television Table of Assignments are proposed:

City	Channel No.	
	Present	Proposed
Moses Lake, Wash.	61	33–
Wenatchee, Wash.	*45, 55, 67	27, *45, 55
Kellogg, Idaho [1]	33–	36

[1] The substitution of Channel 36 for Channel 33 in Kellogg, Idaho, has been added to petitioner's original proposal in order to meet the mileage separation requirement between Kellogg and Moses Lake, in the event that Channel 33 is assigned to Moses Lake. Kellogg and Moses Lake are only about 155 miles apart and the required co-channel spacing for UHF assignments in this zone is 175 miles.

3. In support of its request, Video Utility Company states that these changes are for the purpose of making it possible to provide a three channel translator service to the various communities in central Washington that are presently operating unlicensed VHF boosters, and still maintain the mileage separations required by the Commission's rules. Petitioner raises a question with respect to the required separation of Channel 27 now assigned to Portland, Oregon, from the proposed assignment of Channel 27 to Wenatchee, Washington, noting that the distance between the transmitter site specified in the construction permit for television Station KHTV on Channel 27 in Portland is 172.5 miles from the city limits of Wenatchee. The Commission's rules would permit the assignment of Channel 27 to Wenatchee in place of Channel 67 pursuant to § 3.611(a)(4), which would require any party proposing to use Channel 27 in Wenatchee in the future to specify a transmitter site meeting the spacing requirements of § 3.610.

4. The Commission is of the view that rule making proceedings should be instituted in order that interested parties may submit their views and relevant data.

5. Authority for the adoption of the proposed amendment is contained in sections 4(i), 301, 303 (c), (d), (f), and (r) and 307(b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may

file with the Commission on or before March 10, 1959, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: February 3, 1959.

Released: February 4, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-1141; Filed, Feb. 6, 1959; 8:50 a.m.]

[Docket No. 12757; FCC 59-92]

[47 CFR Part 3]

TELEVISION BROADCAST STATIONS; HONOLULU, WAILUKU, HILO, T.H.

Table of Assignments

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on October 6, 1958 by Hawaiian Broadcasting System, Ltd., licensee of Television Stations KGMB-TV in Honolulu, KMAU-TV in Wailuku and KHBC-TV in Hilo, Territory of Hawaii, requesting an amendment of § 3.606 of the Table of Assignments, Television Broadcast Stations, by making the following changes in television assignments in the Territory of Hawaii:

City	Channel No.	
	Present	Proposed
Honolulu, Oahu	2+, 4−, *7+, 9−, 11+, 13−	2+, 4−, 9−, *11+, 13
Wailuku, Maui	3, 8, *10, 12	3, 7, *10, 12
Hilo, Hawaii	2, *4, 7, 9, 11, 13	2, *4, 9, 11, 13

3. This petition is supported by Radio Honolulu, Ltd., licensee of television Station KONA-TV, Honolulu and permittee of television Station KALA-TV, Wailuku. KALA is presently assigned to operate on Channel 8, but also has been issued an STA to operate on Channel 7. In support of his request, petitioner urges that the proposed amendment would conform to the Commission's rules; that it would not adversely affect any existing operation or any currently pending application, but on the contrary, would permit the continuance of existing services on KMAU-TV and KHBC-TV at Wailuku and Hilo, respectively, while making possible the establishment of the new service on KALA at Maui; and that despite the deletion of one commercial channel each from Honolulu and Hilo, respectively, the proposed amendment would still provide ample television facilities for assignment in these areas.

4. The Commission is of the view that rule making proceedings should be instituted in order that interested parties may submit their views and relevant data.

5. Authority for the adoption of the proposed amendment is contained in sections 4(i), 301, 303 (c), (d), (f), and (r) and 307(b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before March 10, 1959, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: February 3, 1959.

Released: February 4, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-1142; Filed, Feb. 6, 1959; 8:50 a.m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

Department of the Air Force has filed an application, Serial Number F-016325 for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for use in connection with the permafrost research program.

For a period of sixty days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 1050, Fairbanks, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

FAIRBANKS MERIDIAN, ALASKA

T. 1 N., R. 1 W.,
Section 35: E½NE¼;
Section 36: NW¼NW¼.

Containing 120 acres.

RICHARD L. QUINTUS,
Operations Supervisor,
Fairbanks.

[F.R. Doc. 59-1138; Filed, Feb. 6, 1959; 8:50 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

LUTHER L. SMITH

Report of Appointment and Statement of Financial Interests

Report of appointment and statement of financial interests required by section 710(b)(6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Luther L. Smith.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: January 27, 1959.

4. Title of position: Consultant (Adviser to the Director), Water and Sewerage Industries and Utilities.

5. Name of private employer: Vice-President, Asst. General Manager, Smith-Blair Inc., 535 Railroad, South San Francisco, California.

JOHN F. LUKENS,
Acting Director of Personnel.

DECEMBER 31, 1958.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any

other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Bank deposit.
Smith-Blair, Inc.
General Telephone Co.
Christy Metal Products, Inc.

Dated: January 28, 1959.

LUTHER L. SMITH.

[F.R. Doc. 59-1136; Filed, Feb. 6, 1959; 8:49 a.m.]

HOWARD C. HOLMES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of January 29, 1959.

Dated: January 27, 1959.

HOWARD C. HOLMES.

[F.R. Doc. 59-1137; Filed, Feb. 6, 1959; 8:49 a.m.]

DEPARTMENT OF DEFENSE

Department of the Air Force

R. E. CROSS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6), of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests.

A. Deletions: Ford Motor Co.
B. Additions: Sterling Drug, Inc., Dow Chemical Co.

Reference: FEDERAL REGISTER dated August 14, 1958, 23 F.R. 6267.

This statement is made as of December 31, 1958.

Dated: January 23, 1959.

R. E. CROSS.

[F.R. Doc. 59-1104; Filed, Feb. 6, 1959; 8:45 a.m.]

ROBERT M. TRUEBLOOD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6), of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests.

A. Deletions: None.
B. Additions: None.

This statement is made of Robert M. Trueblood.

Dated: January 7, 1959.

ROBERT M. TRUEBLOOD.

Reference: FEDERAL REGISTER dated August 14, 1958, 23 F.R. 6268.

[F. R. Doc. 59-1105; Filed, Feb. 6, 1959; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-89]

GENERAL DYNAMICS CORP.

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued the following Amendment (No. 4) to License R-38 authorizing General Dynamics Corporation, as requested in its application for license amendment dated November 10, 1958, to conduct the two phases of the test program described in Appendix II to said application as (1) "Quasi-equilibrium Experiments" and (2) "Step Reactivity Insertions," in its TRIGA reactor located at Torrey Pines Mesa, California. The Commission has found that operation of the facility in accordance with the terms and conditions of the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the proposed experiments does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the facility.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after the issuance of the license amendment. For further details see (1) the application for license amendment submitted by General Dynamics Corporation, and (2) a hazards anaylsis of the proposed experiments prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 2d day of February 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[License No. R-38, Amdt. 4]

In addition to the activities previously authorized by the Commission under License No. R-38, as amended, General Dynamics Corporation, (hereinafter referred to as "the licensee") is authorized to conduct, in accordance with the procedures and subject to the limitations stated herein, that portion of the test program which comprises the two phases described in Appendix II to the application for license amendment dated November 10, 1958, as (1) "Quasi-equilibrium Experiments" and (2) "Step Reactivity Insertions".

In performing these tests, the licensee shall comply with the conditions contained or incorporated in paragraph 3 of License No. R-38 as amended. In addition paragraph 3 of License No. R-38, as amended, is further amended by adding subparagraph 3E to read as follows:

3E. The reactor shall be shut down at the first indication of substantial boiling at the core when conducting the "Quasi-equilibrium Experiments" described in Appendix II to the application for license amendment dated November 10, 1958.

This amendment is effective as of the date of issuance.

Date of issuance: February 2, 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

[F.R. Doc. 59-1102; Filed, Feb. 6, 1959; 8:45 a.m.]

[Docket No. 50-122]

UNIVERSITY OF WYOMING

Proposed Issuance of Construction Permit and Facility License

Please take notice that the Atomic Energy Commission proposes to issue to the University of Wyoming a construction permit substantially as set forth below unless within fifteen days after the filing of this notice with the Federal Register Division a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). For further details see (1) the application submitted by the University of Wyoming and amendments thereto, and (2) a memorandum by the Division of Licensing and Regulation which summarizes the principal factors considered in reviewing the application for license, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at the Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Notice is also hereby given that if the Commission issues the permit, the Commission may without further prior public notice convert the construction permit to a Class 104 license authorizing operation of the reactor by the University of Wyoming at the University's campus in Laramie, Wyoming, if it is found that the reactor has been constructed in compliance with the terms and conditions contained in the construction permit and

in conformity with the provision of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission that the granting of such license would not be in accordance with the provisions of the Act.

Dated at Germantown, Md., this 5th day of February 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

1. By application dated October 22, 1958 (hereinafter referred to as "the application"), the University of Wyoming, Laramie, Wyoming, requested a Class 104 license defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, authorizing construction and operation of an Atomics International L–77 solution-type, light water moderated reactor to operate at a thermal power level of 10 watts.

2. The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. The reactor will be used in the conduct of research and development activties of the types specified in Section 31 of the Atomic Energy Act of 1954, as amended, (hereinafter referred to as "the Act").

C. The University of Wyoming is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR.

D. The University of Wyoming is technically qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR.

E. The University of Wyoming has submitted sufficient information to provide reasonable assurance that the reactor can be constructed at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to the University of Wyoming will not be inimical to the common defense and security or to the health and safety of the public.

G. The University of Wyoming is a nonprofit educational institution and will use the reactor for the conduct of educational activities. The University of Wyoming is therefore exempt from the financial protection requirements of subsection 170a of the Act.

3. Pursuant to the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to the University of Wyoming to construct the reactor in accordance with the specifications contained in the application. This permit shall be deemed to contain and is subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

A. The earliest completion date of the reactor is February 23, 1959. The latest completion date of the reactor is April 16, 1959. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The reactor shall be constructed and located at the location in Laramie, Wyoming, specified in the application.

4. Upon completion of the construction of the reactor in accordance with the terms and conditions of this permit, and upon finding that the reactor authorized has been constructed in conformity with the construction permit and in conformity with the provisions of the Act and of the rules and regulations of the Commission, the Commission will issue a Class 104 license to the University of Wyoming pursuant to section 104c of the Act, which license shall expire 20 years after the date of this construction permit.

For the Atomic Energy Commission.

Date of issuance:

[F.R. Doc. 59–1176; Filed, Feb. 5, 1959; 12:30 p.m.]

FEDERAL RESERVE SYSTEM

FIRSTAMERICA CORPORATION

Order Approving Application for Acquisition of Voting Shares of Bank

In the matter of the application of Firstamerica Corporation for prior approval of acquisition of voting shares of California Bank, Los Angeles, California (Docket No. BHC–46).

The Board's Order approving an application on behalf of Firstamerica Corporation for the acquisition of voting shares of California Bank was published in the FEDERAL REGISTER on January 21, 1959 (24 F.R. 490). The Board's order was accompanied by a statement filed as part of the original document, and it was understood that a dissenting statement would be issued at a later date. The dissenting statement has been issued and filed with the Division of the Federal Register. Copies of the dissenting statement also are available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to any Federal Reserve Bank.

Dated at Washington, D.C., this 3d day of February 1959.

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 59–1109; Filed, Feb. 6, 1959; 8:46 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 1246]

ST. LOUIS NATIONAL STOCKYARDS CO.

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), an order was issued on June 2, 1958 (17 A.D. 528), authorizing the respondent, the St. Louis National Stockyards Company, National Stock Yards, Illinois, to assess the current schedule of rates and charges to and including June 30, 1959, unless modified or extended before that date.

On January 27, 1959, a petition was filed on behalf of the respondent requesting authority to modify the current schedule of rates and charges as indicated below, and requesting that the current schedule, as so modified, be continued in effect to and including June 30, 1961.

SECTION I

Yardage charges	Rate per head	
	Present	Proposed
A. Livestock sold or resold in the Commission Division:		
Cattle (except bulls weighing 800 lbs. or over)	$0.94	$1.00
Calves	.54	.55
Hogs (except boars)	.34	.36
Sheep and goats	.22	.24
Bulls weighing 800 lbs. or over	1.55	1.65
Boars	.34	1.00
B. Livestock received directly by packers through the yards:		
Cattle (except bulls weighing 800 lbs. or over)	.47	.50
Calves	.28	.28
Hogs (except boars)	.17	.18
Sheep and Goats	.11	.12
Bulls weighing 800 lbs. or over	.78	.83
Boars	.17	.50
C. Livestock resold at the yards for local delivery other than livestock resold in the Commission Division:		
Cattle (except bulls weighing 800 lbs. or over)	.29	.29
Calves	.18	.18
Hogs (except boars)	.10	.10
Sheep and Goats	.07	.07
Bulls weighing 800 lbs. or over	.44	.44
Boars	.10	.14
D. Livestock resold at yards, for shipment off the market, other than livestock resold in the Commission Division:		
Cattle (except bulls weighing 800 lbs. or over)	.13	.13
Calves	.09	.09
Hogs (except boars)	.05	.05
Sheep and Goats	.04	.04
Bulls weighing 800 lbs. or over	.22	.22
Boars	.05	.07

* * * * *

SECTION VI

Dipping or spraying	Rate per head	
	Present	Proposed
* * * * *		
Sheep	$0.10	$0.20

* * * * *

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested person may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., within 15 days after the publication of this notice.

Done at Washington, D.C., this 4th day of February 1959.

[SEAL] DAVID M. PETTUS,
Director, Livestock Division, Agricultural Marketing Service.

[F.R. Doc. 59–1148; Filed, Feb. 6, 1959; 8:50 a.m.]

Office of the Secretary

TEXAS

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a–2(a)), as amended, it has been determined that in the following counties in Texas, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

TEXAS

Chambers.	Jefferson.
Harris.	Liberty.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1959, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 4th day of February 1959.

[SEAL] E. T. BENSON,
Secretary of Agriculture.

[F.R. Doc. 59–1150; Filed, Feb. 6, 1959; 8:51 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7277]

MOHAWK AIRLINES, INC.; FUTURE FINAL MAIL RATE CASE

Change in Date and Place of Hearing

In the matter of the objections of the Delaware, Lackawanna and Western Railroad Company to the provisional findings, conclusions and rates, contained in the Board's Order to Show Cause, dated the 28th day of August 1958, No. E–12917, in the above-entitled proceeding.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that the hearing in the above matter originally assigned by notice, dated the 27th day of January 1959, to be held on February 11, 1959, at 10:00 a.m. in Room E–210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D.C., is hereby reassigned to be held on the 19th day of February 1959, at 10:00 a.m. e.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

In consideration of the change in the date of hearing, the date for the exchange of written testimony is extended to February 12, 1959.

Dated at Washington, D.C., February 2, 1959.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 59–1180; Filed, Feb. 6, 1959; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11645 etc.; FCC 59–65]

AMERICAN TELEPHONE AND TELEGRAPH CO. ET AL.

Order Instituting Investigation

In the matter of American Telephone and Telegraph Company, Docket No. 11645; charges, classifications, regulations and practices for and in connection with private line services and channels. The Western Union Telegraph Company, Docket No. 11646; charges, classifications, regulations and practices for and in connection with Domestic Leased Facility Service. American Telephone and Telegraph Company et al. Docket No. 12194; charges, classifications, regulations and practices for and in connection with Channels for Data Transmission.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of January 1959;

The Commission having under consideration: (1) Certain new and revised tariff schedules applicable to Channels for Data Transmission filed by 14 Associated Bell Telephone Companies on December 30, 1958 to become effective February 1, 1959 (which schedules and the companies filing same are enumerated in Appendix A attached hereto);[1] (2) the record in the above-entitled proceedings; and (3) petition, filed on January 20, 1959, by General Services Administration requesting the Commission to suspend and investigate the lawfulness of such tariff schedules, and reply thereto filed on behalf of the 14 Associated Bell Telephone Companies by American Telephone and Telegraph Company on January 26, 1959;

It appearing, that the Commission is unable to determine that the charges, classifications, regulations and practices contained in the above-mentioned new and revised tariff schedules are or will be just and reasonable or otherwise lawful; and

It further appearing, that, if the above-mentioned new and revised tariff schedules are permitted to become effective on the date specified thereon, substantial injury to the public may result; and

It further appearing, that the issues which are presented by the foregoing tariff filing are substantially the same as certain of the issues to be resolved in Docket No. 12194, and that much of the evidence to be adduced on such issues will be duplicative; and

It further appearing, that consideration of such issues in the same proceedings will best conduce to the proper dispatch of business and to the ends of justice;

It is ordered, That, pursuant to the provisions of section 204 of the Communications Act of 1934, as amended, the operation of the above-mentioned new and revised tariff schedules is hereby suspended until May 1, 1959; and that during that period the Bell Companies listed in Appendix A shall make no changes in such tariff schedules except as authorized or directed by the Commission;

It is further ordered, That, pursuant to the provisions of sections 201, 202, 204, 205 and 403 of the Communications Act of 1934, as amended, an investigation is hereby instituted into the lawfulness of the above-mentioned new and revised tariff schedules;

It is further ordered, That the scope of the proceedings in Docket No. 12194 be enlarged so as to include the investigation into the lawfulness of the new and revised tariff schedules listed in Appendix A;

It is further ordered, That, in the event a decision as to the lawfulness of the tariff schedules herein suspended has not been made during the suspension period, and such tariff schedules go into effect, the Bell Companies listed in Appendix A and their concurring carriers shall, until further order of the Commission, keep accurate accounts of all amounts charged, collected or received by reason of the charges set forth in the above-mentioned tariff schedules, specifying by whom and in whose behalf such amounts are paid; and shall file with the Commission on or before the 10th day of each month, commencing June 10, 1959, reports showing the amounts accounted for during the previous month.

Released: January 29, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–1143; Filed, Feb. 6, 1959; 8:50 a.m.]

[1] Filed as part of the original document.

[Docket No. 12739; FCC 59M–144]

SOUTHEAST ALASKA MARINE TRANSPORT CO.

Order Scheduling Hearing

In the matter of Southeast Alaska Marine Transport Co., 1111 Northern Life Tower, Seattle 1, Washington, Docket No. 12739; Order to show cause why there should not be revoked the License for Radio Station WB–8462 aboard the vessel "Ruth Ann".

It is ordered, This 30th day of January 1959, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 2, 1959, in Washington, D.C.

Released: February 3, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59–1144; Filed, Feb. 6, 1959; 8:50 a.m.]

[Docket Nos. 12742, 12743; FCC 59M-142]

GRANITE CITY BROADCASTING CO. AND CUMBERLAND PUBLISHING CO. (WLSI)

Order Scheduling Hearing

In re applications of Selbert McRae Wood, Clagett "Woody" Wood, Tycho Heckard Wood and Paul Edgar Johnson, d/b as Granite City Broadcasting Company, Mount Airy, North Carolina; Docket No. 12742, File No. BP-11811; Cumberland Publishing Company (WLSI), Pikeville, Kentucky; Docket No. 12743, File No. BP-11997; for construction permits.

It is ordered, This 30th day of January 1959, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 30, 1959, in Washington, D.C.

Released: February 3, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-1145; Filed, Feb. 6, 1959; 8:50 a.m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF THE INTERIOR

Revocation of Delegation of Authority

Procurement of water service at Bureau of Mines Facility at Morgantown, W. Va.

Delegation of Authority dated June 26, 1952 (17 F.R. 5920) is hereby revoked.

Dated: January 30, 1959.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 59-1110; Filed, Feb. 6, 1959; 8:46 a.m.]

SECRETARY OF DEFENSE

Revocation of Delegation of Authority

San Diego Gas & Electric Company, Application No. 36579, California Public Utilities Commission.

Delegation of Authority dated March 25, 1955 (20 F.R. 2000) is hereby revoked.

Dated: January 30, 1959.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 59-1111; Filed, Feb. 6, 1959; 8:46 a.m.]

SECRETARY OF DEFENSE

Revocation of Delegation of Authority

Application of California Electric Power Company for authority to add a power factor adjustment clause to its rate schedules; Application No. 37473, California P.U.C.

Delegation of Authority dated August 29, 1956 (21 F.R. 6730) is hereby revoked.

Dated: January 30, 1959.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 59-1112; Filed, Feb. 6, 1959; 8:46 a.m.]

SECRETARY OF DEFENSE

Revocation of Delegation of Authority

Application of Arkansas-Louisiana Gas Company for authority to increase gas rates; Docket No. 6445, Louisiana P.S.C., Docket No. U-903, Arkansas P.S.C.

Delegation of Authority dated March 5, 1954 (19 F.R. 1358) is hereby revoked.

Dated: January 30, 1959.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 59-1113; Filed, Feb. 6, 1959; 8:46 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3755]

GENERAL PUBLIC UTILITIES CORP.

Notice of Filing of Declaration Regarding Proposal To Effect Borrowings From Banks

FEBRUARY 2, 1959.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, has filed with this Commission a declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), regarding a proposal to effect borrowings from banks; and has specified sections 6(a) and 7 of the Act and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

GPU proposes, from time to time not later than March 31, 1960, to effect unsecured borrowings and reborrowings from commercial banks in an aggregate principal amount outstanding at any one time of not to exceed $15,000,000. Each such borrowing will be evidenced by GPU's unsecured note maturing not later than June 30, 1960, bearing interest at the prime rate for commercial borrowing in New York at the date of the issuance of the note, and prepayable without premium. The proceeds from such borrowings will be used by GPU for additional investments in its domestic public-utility subsidiaries or to reimburse its treasury for such investments made subsequent to December 31, 1958. The bank or banks from which GPU will effect such borrowings have not been determined, but they are expected to be one or more of its usual banks of deposit.

The declaration states that no finders or commitment fee, or other compensation, is to be paid, that the fees and expenses to be incurred are estimated at not in excess of $2,500, including counsel fees of not in excess of $2,000, and that no State or Federal commission other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may not later than February 16, 1959, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the Commission may permit the declaration, as filed or as it may be amended, to become effective, as provided in Rule 23 under the Act, or the Commission may grant exemption from its rules under the Act, as provided by Rules 20(a) and 100 thereof, or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-1117; Filed, Feb. 6, 1959; 8:47 a.m.]

[File No. 24D-2143]

MECCA URANIUM & OIL CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 3, 1959.

I. Mecca Uranium & Oil Corporation, a Colorado corporation, Prospector Lodge, Moab, Utah, filed with the Commission on July 30, 1956, a notification on Form 1-A and offering circular, and filed various amendments thereto, relating to an offering of 150,000 shares of its one mill par value common stock, at $1 per share, for an aggregate offering of $150,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A, promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, in that, among other things:

1. Item 3 of Form 1-A fails to reflect all sales of securities made within one year prior to the filing;

2. Item 3 of Form 1–A reflects sales of securities for cash, whereas such sales appear to have been made for property;

3. The offering circular fails to reflect contingent liabilities for all sales of securities in violation of section 5 of the Securities Act of 1933, as amended;

4. The offering circular fails to disclose an agreement and loan and the issuance of stock in connection therewith.

It is ordered, Pursuant to Rule 223(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59–1118; Filed, Feb. 6, 1959; 8:47 a.m.]

[File No. 24D–2124]

ARIZONA URANIUM CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 3, 1959.

I. Arizona Uranium Corporation (Issuer), a Nevada corporation, 710 South Fourth Street, Las Vegas, Nevada, filed with the Commission on July 2, 1956, a notification on Form 1–A and offering circular, relating to an offering of 1,785,000 shares of its 10 cents par value common stock, at 10 cents per share, for an aggregate of $178,500, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder; and

II. The staff having requested the issuer to file amendments with respect to the matters set forth below, and having received no response thereto in the form of an amendment or withdrawal of the filing, the Commission has reasonable cause to believe that,

A. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, concerning, among other things:

1. The failure to disclose that part of the consideration for the initial issuance of shares to a director and promoter of the issuer was a lease on ten unpatented mining claims.

2. The failure to disclose that the aforementioned lease was lost by failure to perform certain of its terms and conditions.

3. The failure to set forth the actual cash cost to the officers, directors, and promoters of the issuer's 21 unpatented mining claims.

4. The failure to disclose that the issuer has no known ore reserves on any of its properties.

III. *It is ordered,* Pursuant to Rule 223(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59–1119; Filed, Feb. 6, 1959; 8:47 a.m.]

[File No. 24D–2106]

BROWN MINERAL RESEARCH, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 3, 1959.

I. Brown Mineral Research, Inc. (Issuer), a Colorado corporation, U.S. National Bank Building, 1740 Broadway, Denver, Colorado, filed with the Commission on June 1, 1956, a notification on Form 1–A and an offering circular and filed various amendments thereto for an offering of 95,000 shares of its $1 par value common stock at $1 per share, for an aggregate offering of $95,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the issuer has failed to file reports of sales on Form 2-A; and

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, concerning, among other things, the failure to disclose the status of assessment work on the issuer's unpatented mining claims and of work and payment obligations under its mining leases; and

C. The offering under such circumstances would operate as a fraud or deceit upon purchasers.

III. *It is ordered,* Pursuant to Rule 223(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59–1120; Filed, Feb. 6, 1959; 8:47 a.m.]

[File No. 24D–2086]

BROWN-MILLER ENTERPRISES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 3, 1959.

I. The Brown-Miller Enterprises Incorporated (Issuer), a Colorado corporation, 2660 South Williams Street, Denver, Colorado, filed with the Commission on April 27, 1956, a notification on Form 1–A and a Rule 219(b) statement, and filed various amendments thereto, relating to an offering of 10,000 shares of its $5.00 par value common stock, at $5.00 per share, for an aggregate of $50,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the issuer has failed to file reports of sales on Form 2–A.

III. *It is ordered,* Pursuant to Rule 223(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-1121; Filed, Feb. 6, 1959; 8:47 a.m.]

[File No. 70-3756]

PENNSYLVANIA ELECTRIC CO. AND GENERAL PUBLIC UTILITIES CORP.

Notice of Filing of Application-Declaration Regarding Proposal by Subsidiary To Issue and Sell to Parent Additional Shares of Common Stock

FEBRUARY 2, 1959.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, and its public-utility subsidiary, Pennsylvania Electric Company ("Penelec"), have filed with this Commission a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), regarding a proposal by Penelec to issue and sell additional shares of its common stock to GPU. The application-declaration specifies Sections 6(a), 6(b), 7, 9 and 10 of the Act and Rule 50(a)(1) and (a)(3) promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Penelec proposes to increase the number of shares of its authorized $20 par value common stock from 4,000,000 (of which 3,998,889 are outstanding and owned by GPU) to 4,300,000; and to issue and sell, from time to time during 1959, to GPU, and GPU proposes to acquire for cash, 300,000 additional shares of such stock, at par, or an aggregate of $6,000,000. The proceeds are to be applied by Penelec to the cost of property additions subsequent to December 31, 1957, or to reimburse its treasury for expenditures made for like purposes, or to repay bank loans the proceeds of which have been or will be applied to such purposes.

The application-declaration states that the proposed issue and sale of additional shares of its common stock by Penelec is subject to the jurisdiction of the Pennsylvania Public Utility Commission, and that an appropriate order of that commission authorizing such transactions will be obtained and supplied by amendment to the application-declaration. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is also stated that fees and expenses to be incurred by GPU are estimated at $250, and those to be incurred by Penelec are estimated at $19,850, including $11,750 State excise tax on increase of authorized stock, $6,000 Federal issue tax, and $2,000 counsel fees.

Notice is further given that any interested person may, on or before February 16, 1959, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the joint application-declaration, as filed or as it may be amended, may be granted and permitted to become effective, as provided by Rule 23 under the Act, or the Commission may grant exemption from its rules, as provided in Rules 20(a) and 100 thereof, or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 58-1122; Filed, Feb. 6, 1959; 8:48 a.m.]

[File No. 812-1204]

ELKIN MANAGEMENT CORP.

Notice of Application for Order Exempting Transactions Between Affiliates

FEBRUARY 2, 1959.

Notice is hereby given that Elkin Management Corporation ("Applicant") a closed-end investment company exempted from certain provisions of the Investment Company Act of 1940 ("Act"), not including the provisions of section 17(a), has filed an application pursuant to section 17(b) of the Act requesting an order exempting the transactions summarized below from the provisions of section 17(a) of the Act.

Applicant proposes to purchase for One Thousand Two Hundred Dollars ($1,200.00) cash an insurance agency owned by its said director and shareholder, M. V. Robinson, which agency is known as the M. V. Robinson Agency, at 5210 North Burton Avenue, San Gabriel, California, and which agency is duly licensed by the Insurance Commissioner of the State of California. In addition to the payment of the cash price of One Thousand Two Hundred Dollars ($1,200.00) for said agency, applicant proposes to pay to M. V. Robinson a flat salary in return for which he will continue to manage the insurance business which will then be operated as an unincorporated division of Applicant. No other benefit or compensation will accrue to M. V. Robinson out of this transaction. When the transaction is completed, Applicant proposes to conduct the business pursuant to a validly issued license of the Insurance Commissioner of the State of California.

It is represented that the proposed transaction, including the consideration to be paid and received by Applicant and by the seller, are reasonable and fair and do not involve overreaching on the part of any person concerned. In this connection, it is stated that according to prevailing commercial practice in the Southern California area, the purchase price of an insurance agency such as the M. V. Robinson Company is uniformly approximately the same as the yearly commissions earned by the agency, which in the present case amounted to One Thousand Five Hundred Sixteen and $^{53}/_{100}$ Dollars ($1,516.53) for the year 1958. The proposed transaction is further stated to be consistent with the policy of the applicant, as recited in its registration statement and all reports filed with this Commission and with the general purposes of the Act.

Generally speaking, section 17(a) of the Act prohibits an affiliated person of a registered investment company from purchasing from, or selling to, such registered investment company, any security, with certain exemptions, unless the Commission upon application pursuant to section 17(b) of the Act, grants an exemption from section 17(a) of the Act after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its Registration Statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Since the seller is a director of and thus an affiliated person of Applicant the transaction proposed is prohibited under section 17(a) unless the Commission grants the application pursuant to section 17(b) of the Act.

Notice is further given that any interested person may, not later than February 16, 1959, at 5:30 p.m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange

Commission, Washington 25, D.C. At any time after said date, the application, as amended, may be granted as provided in Rule N–5 of the rules and regulations promulgated under the Act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59–1123; Filed, Feb. 6, 1959; 8:48 a.m.]

[File No. 24D–1564]

URANIUM ENTERPRISES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 3, 1959.

I. Uranium Enterprises, Inc., a Colorado corporation, 2003 Forest Drive, Durango, Colorado, filed with the Commission on January 20, 1955, a notification on Form 1–A and offering circular, relating to an offering of 1,500 shares of its $100 par value common stock, at $100 per share, for an aggregate offering of $150,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the issuer has failed to file reports of sales on Form 2–A; and

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, concerning, among other things, the failure to disclose the status of performance of the issuer's work obligations under its mining leases; the status of an option to lease certain property requiring a $10,000 payment, and the fact that the issuer has failed to disclose that certain officers and directors have resigned from their positions.

C. The offering under such circumstances would operate as a fraud or deceit upon the purchaser.

III. *It is ordered,* Pursuant to Rule 223(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59–1124; Filed, Feb. 6, 1959; 8:48 a.m.]

[File No. 24D–1884]

O'BANNON URANIUM CO. ET AL.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 3, 1959.

In the matter of O'Bannon Uranium Company, O'Bannon Uranium Company for Harry Smith, Walter Martin, Joe Gooch, G. W. Taylor, A. L. Stewart, V. S. Tucker, W. Lynn McCollough, Agnes McCollough, C. L. Files, A. H. Ball, W. D. Ratliff, R. J. Seltzer, Ralph Cole, Don F. Stewart, Wilma Stewart, Betty Jo Elliott, Yvonne Mounts, Robbie Lee Tucker; Selling Stockholders; File No. 24D–1884.

I. O'Bannon Uranium Company, a Delaware corporation, Box 1205, Odessa, Texas, filed with the Commission on August 12, 1955, a notification on Form 1–A and offering circular, and filed various amendments thereto, relating to an offering of 600,000 shares of its 10¢ par value common stock, at 50¢ per share, for an aggregate offering of $300,000, of which 405,000 shares were to be offered on behalf of O'Bannon Uranium Company and 195,000 shares were to be offered on behalf of Harry Smith, Walter Martin, Joe Gooch, G. W. Taylor, A. L. Stewart, V. S. Tucker, W. Lynn McCollough, Agnes McCollough, C. L. Files, A. H. Ball, W. D. Ratliff, R. J. Seltzer, Ralph Cole, Don F. Stewart, Wilma Stewart, Betty Jo Elliott, Yvonne Mounts and Robbie Lee Tucker, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the issuer has failed to file reports of sales on Form 2–A; and

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, concerning, among other things, the failure to disclose the status of performance of assessment work on the issuer's unpatented mining claims and the fact that the underwriter for the offering is no longer in business; and

C. The offering under such circumstances would operate as a fraud or deceit upon the purchaser.

III. *It is ordered,* Pursuant to Rule 223(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59–1125; Filed, Feb. 6, 1959; 8:48 a.m.]

[File No. 24D–2067]

NIAGARA URANIUM CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 3, 1959.

I. Niagara Uranium Corporation (Niagara), a Nevada corporation, 366 South State Street, Salt Lake City, Utah, filed with the Commission on April 3, 1956, a notification on Form 1–A and offering circular, and filed various amendments thereto, relating to an offering of 2,400,000 shares of its 3⅓ cents par value common stock, at 10 cents per share, for an aggregate offering of $240,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the issuer has failed to file reports of sales on Form 2–A; and

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, concerning, among other things,

(a) The failure to disclose the status of payments required to be made on account of purchase of certain mining claims, the status of performance of assessment work on the issuer's unpatented mining claims and the status of a working agreement with respect to the issuer's mining claims;

(b) The failure to disclose that the underwriting agreement has been termi-

nated and that the president and vice president of the issuer have resigned from their offices, and

C. The offering under such circumstances would operate as a fraud or deceit upon the purchaser.

It is ordered, Pursuant to Rule 223(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 59-1126; Filed, Feb. 6, 1959; 8:48 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 81]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 4, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 61618. By order of January 23, 1959, the Transfer Board approved the transfer to Joseph Vidas, Henry Vidas and Joseph Vidas, Jr., doing business as Acme Piano Moving Company, 820 South Second Street, Philadelphia, Pa., of Certificate No. MC 85002, issued April 19, 1954, to Joseph Vidas, Henry Vidas, Joseph Vidas, Jr., Urban Vidas, and Lillian Zayszlay, doing business as Acme Piano Moving Company, 820 South Second Street, Philadelphia, Pa., authorizing the transportation of: Pianos and electric refrigerators, between Philadelphia, Pa., on the one hand, and on the other, points in New Jersey within 30 miles of Philadelphia.

No. MC-FC 61643. By order of January 26, 1959, the Transfer Board approved the transfer to Percy L. Riley, Box 251, Cumberland, Wis., of Certificate in No. MC 49698, issued December 21, 1940, to Arthur E. Walters, 1615 Augusta Street, Rice Lake, Wis., authorizing the transportation of: *Livestock,* from specified points in Wisconsin to South St. Paul and Newport, Minn., *General commodities,* excluding household goods, commodities in bulk and other exceptions from Minneapolis, St. Paul, South St. Paul and Newport, Minn., to specified points in Wisconsin, and *Household goods and emigrant movables,* between specified points in Wisconsin, on the one hand, and, on the other, points in Minnesota and the Upper Peninsula of Michigan.

No. MC-FC 61654. By order of January 26, 1959, the Transfer Board approved the transfer to Harry G. Oshio and Kay Oshio, a partnership, doing business as Oka Transfer Co., 761 East 18th Street, Los Angeles, Calif., of Certificate in No. MC 28247, issued June 17, 1949, to Harry Oshio, doing business as Oka Transfer, 761 East 18th Street, Los Angeles, Calif., authorizing the transportation of: *Canned and dehydrated food products, dry goods, commercial fertilizer, notions, chinaware, bamboo articles,* and *alcoholic beverages,* from Los Angeles Harbor and Long Beach, Calif., to Los Angeles, Calif.

No. MC-FC 61710. By order of January 27, 1959, the Transfer Board approved the transfer to Edward M. Howey, doing business as Howey's Express, Woodbury, N.J., of Certificate No. MC 39871, issued June 17, 1941, to Archibald J. Thomas, doing business as Thomas Philadelphia and Camden Express, Camden, N.J., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, between Philadelphia, Pa., on the one hand, and, on the other, Camden, N.J., and points in New York within 15 miles of Camden. Walter S. Hunter, 15A Cooper Street, Woodbury, N.J., for applicants.

No. MC-FC 61855. By order of January 27, 1959, the Transfer Board approved the transfer to J. T. Goodliffe, Inc., of a portion of the operating rights in Certificate No. MC 51369, issued January 31, 1950, to J. T. Goodliffe, Inc., and acquired by Collins Brothers Moving Corp., pursuant to MC-FC 61579, authorizing the transportation, over irregular routes, of canned goods, bouillion cubes, extracts, empty containers, and poultry, between Mamaroneck, N.Y., on the one hand, and, on the other, points in New Jersey within 20 miles of City Hall, New York, N.Y., and of tomato juice, in cans, from Farmingdale, N.J., to Mamaroneck, N.Y., David Brodsky, 1776 Broadway, New York 19, New York, for applicants.

No. MC-FC 61866. By order of January 26, 1959, the Transfer Board approved the transfer to Auer's Van & Express Co., Inc., New York, N.Y., of Certificates Nos. MC 80272 and MC 80272 Sub 1, issued November 14, 1956 and May 27, 1952, respectively, to Ernst C. Auer doing business as Auer's Van & Express Co., New York, N.Y., authorizing the transportation of household goods as defined by the Commission, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. Edward M. Alfano, 36 West 44th Street, New York 36, N.Y., for applicants.

No. MC-FC 61874. By order of January 27, 1959, the Transfer Board approved the transfer to Acacia Van Lines, Inc., Boston, Mass., of a portion of Certificate No. MC 29737 issued May 3, 1949, to Sydney Blinderman doing business as R. Blinderman Motor Lines, Norwich, Conn., authorizing the transportation of new furniture, uncrated, other than new furniture included within the description of household goods as defined by the Commission, over irregular routes, between Norwich, New London, and Jewett City, Conn., on the one hand, and, on the other, points in New York, New Jersey, Rhode Island, Massachusetts, Connecticut, and Pennsylvania. Joseph A. Kline, 185 Devonshire Street, Boston 10, Mass., for applicants.

No. MC-FC 61878. By order of January 26, 1959, the Transfer Board approved the transfer to Acacia Van Lines, Inc., Boston, Mass., of Certificate No. MC 69383 issued to Morris H. Futterman doing business as F. & W. Trucking Co., Winthrop, Mass., authorizing the transportation over irregular routes, of new furniture, from Lowell and Boston, Mass., to Providence and Woonsocket, R.I., Rutland and Burlington, Vt., Hackensack, Jersey City, Newark, and New Brunswick, N.J., Hartford, Danbury, New Haven, Bridgeport, New London, Middletown, and Waterbury, Conn., Nashua, Manchester, and Portsmouth, N.H., New York, Albany, Troy, and Schenectady, N.Y., Portland and Bangor, Maine; used furniture, from the above-specified destination points to Boston and Lowell, Mass.; and household goods as defined by the Commission, between Boston, Mass., and points within 25 miles thereof, on the one hand, and, on the other, points in Maine, New Jersey, New York, Connecticut, Rhode Island, Vermont, and New Hampshire. Joseph A. Kline, 185 Devonshire Street, Boston 10, Mass., for applicants.

No. MC-FC 61896. By order of January 27, 1959, the Transfer Board approved the transfer to M. E. Flemming & Sons, Inc., Brooklyn, N.Y., of Permits Nos. MC 65106 and MC 65106 Sub 1, issued June 27, 1941 and January 5, 1951, respectively, to Martin E. Flemming, doing business as M. E. Flemming, Brooklyn, N.Y., authorizing the transportation of: Corn products, between New York, N.Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J.; textile chemicals, from New York, N.Y., to Hawthorne, N.J., and points in New Jersey within 30 miles of City Hall, New York, N.Y.; empty textile chemical containers, from points in the above-spe-

cified destination points, to New York, N.Y.; caustic soda, from Passaic, N.J., to New York, N.Y.; empty caustic soda containers, from Passaic, N.J., to New York, N.Y.; paint, varnish, painters' supplies, materials, supplies and equipment used by paint manufacturers, and advertising displays and materials used in connection therewith, between New York, N.Y., and points in Westchester and Nassau Counties, N.Y., on the one hand, and, on the other, Newark and Carteret, N.J. Stanley M. Wallens, 107 William Street, New York 36, N.Y., for applicants.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-1131; Filed, Feb. 6, 1959; 8:49 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. 96-A]

MONON RAILROAD

Rerouting Traffic

Upon further consideration of Taylor's I.C.C. Order No. 96 and good cause appearing therefor: *It is ordered,* That:

(a) Taylor's I.C.C. Order No. 96, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 9:00 a.m., February 2, 1959.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Federal Register Division.

Issued at Washington, D.C., February 2, 1959.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F.R. Doc. 59-1132; Filed, Feb. 6, 1959; 8:49 a.m.]

[Notice 1]

APPLICATIONS FOR LOAN GUARANTIES

FEBRUARY 2, 1959.

Notice is hereby given of the filing of the following applications under part V of the Interstate Commerce Act:

Finance Docket No. 20372, filed October 10, 1958, as supplemented, by The New York, New Haven and Hartford Railroad Company, 54 Meadow Street, New Haven 6, Conn., for guaranty by the Interstate Commerce Commission of a loan in an amount not exceeding $16,542,460. Applicant's representative: A. G. Kuhbach, Vice President, Finance, The New York, New Haven and Hartford Railroad Company, 54 Meadow Street, New Haven 6, Conn. Loan is for purpose of purchasing 60 diesel-electric locomotives.

Finance Docket No. 20397, filed October 31, 1958, as supplemented, by The New York, New Haven and Hartford Railroad Company, 54 Meadow Street, New Haven 6, Conn., for guaranty by the Interstate Commerce Commission of a loan in an amount not exceeding $500,000. Applicant's representative: A. G. Kuhbach, Vice President, Finance, The New York, New Haven and Hartford Railroad Company, 54 Meadow Street, New Haven 6, Conn. Loan is for purpose of purchasing 109 items of maintenance-of-way equipment and machinery.

Finance Docket No. 20398, filed October 31, 1958, as supplemented, by The New York, New Haven and Hartford Railroad Company, 54 Meadow Street, New Haven 6, Conn., for guaranty by the Interstate Commerce Commission of a loan in an amount not exceeding $1,500,000. Applicant's representative: A. G. Kuhbach, Vice President, Finance, The New York, New Haven and Hartford Railroad Company, 54 Meadow Street, New Haven 6, Conn. Loan is for purpose of carrying out a shop centralization program involving construction of additional diesel repairing and servicing facilities.

Finance Docket No. 20429, filed December 1, 1958, by Boston and Maine Railroad, 150 Causeway Street, Boston 14, Mass., for guaranty by the Interstate Commerce Commission of a loan in an amount, not exceeding $10,500,000. Applicants' representative: G. F. Glacy, Vice President, Accounting and Finance, Boston and Maine Railroad, 150 Causeway Street, Boston 14, Mass. Loan is for purpose of reimbursing applicant's treasury for expenditures made from its own funds for additions, betterments, and other capital expenditures between the period January 1, 1957 and September 30, 1958.

Finance Docket No. 20517, filed January 28, 1959, by Alfred W. Jones, Receiver, Georgia & Florida Railroad, 326 Eighth Street, Augusta, Georgia, for guaranty by the Interstate Commerce Commission of a loan in an amount not exceeding $1,000,000. Applicant's representatives: James M. Hull, Southern Finance Building, Augusta, Georgia; Moultrie Hitt, 718 Southern Building, 15th and H Streets NW., Washington 5, D.C. Loan is for purpose of purchasing 100 box cars.

Finance Docket No. 20518, filed January 28, 1959, by Alfred W. Jones, Receiver, Georgia & Florida Railroad, 326 Eighth Street, Augusta, Georgia, for guaranty by the Interstate Commerce Commission of a loan in an amount not exceeding $1,000,000. Applicant's representatives: James M. Hull, Southern Finance Building, Augusta, Georgia; Moultrie Hitt, 718 Southern Building, 15th and H Streets NW., Washington 5, D.C. Loan is for purpose of rehabilitation of 182 miles of roadbed and track.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-1133; Filed, Feb. 6, 1959; 8:49 a.m.]

CUMULATIVE CODIFICATION GUIDE—FEBRUARY

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during February. Proposed rules, as opposed to final actions, are identified as such.